The American
Political Science Review

Vol. V NOVEMBER 1911 No. 4

IMPRESSIONS OF BRITISH PARTY POLITICS, 1909–1911

ALFRED L. P. DENNIS

University of Wisconsin

Students of history and political science have watched with great interest the course of British politics during the past two years. To American students a certain similarity in the character of the constitutional and economic questions before both countries has appealed with special interest; for the central problem in England, dominating all others, is how to deal with new perils and tendencies and with inherited problems and traditions in the face of the demands of an increasing democracy. These matters naturally have many aspects and include a variety of topics. Furthermore, historical perspective and the use of sources now naturally denied to the investigator will give the historian in a later generation certain advantages; yet by limiting this article merely to certain impressions of recent party politics, recognizing always that the future historical student will undoubtedly be able to supply corrections, it may be possible to make use with caution of a small portion of such material as is now available to the writer. In any case it is impossible because of lack of space and unnecessary for the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

readers of this journal to attempt a chronicle of events and analyses of documents already familiar.[1]

First a few words of introduction. Since 1884 about one sixth of the total population of the United Kindgom has been able to vote in Parliamentary elections. As President Lowell says this "is not very far today from manhood suffrage." However, no effective Labor group had figured as such in Parliament till 1906. During twenty-five years, till 1909, the Conservative party had been in power sixteen years, including the unbroken period 1895–1905. And, irrespective of party, no revolution had threatened the administrative and, to a large extent, the legislative monopoly of the ruling class, although that class had absorbed in the meantime certain historically novel elements. Indeed, on more than one occasion the sympathies and energies of gentry, capitalists, and workingmen were united in defending the legislative unity of the kingdom and in maintaining or extending British authority over other populations both white and colored. Such matters had helped to divert currents which might otherwise have made the wheels turn more quickly. Certainly comparatively little had been done to bring a nascent democracy to profitable and effective schooling, although education had been a subject both of debate and legislation. The blind alleys of youthful employment, too often merely casual, remained unlighted; and the result, at least in part, was that

[1] Already Parliamentary Debates and Papers, a large number of magazine articles and a mass of letters printed in both the daily and weekly press, together with reports of platform speeches are at hand. But comparatively small direct use of such material has been made; while the heat of partisanship has both limited and emphasized the value of such newspaper statements as reveal a point of view or imply a special source of inspiration. Unfortunately it would be impossible and probably unwise to give the chief and varied sources on which this article is founded. Indeed, in some cases the facts cannot be stated which have served as the basis of a conclusion; nor can certain letters and memoranda, as yet unpublished, be indicated. This is after all merely a series of personal impressions gained at intervals amounting to about eleven months spent in different parts of the United Kingdom during the last twenty months. People of all shades of opinion, of varied interests and origins have been kind enough to talk more or less frankly on a variety of topics; and sooner or later it has usually been possible to check one source by other and independent sources. But for the interpretation here given in August, 1911, naturally only the writer is responsible.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

monstrous word "unemployable." In the meantime Oxford and, perhaps to a less extent, Cambridge were rather poor places in which to learn much about England or the needs of the new England which had been slowly in the making.

But new tendencies quickened as some of the older forces lost restraining or rallying power; and rising elements in British social and political life faced other serious problems. The time had come when "men given to change" held out to a new generation the hope that new laws would give real remedies. For recent shocks to national complacency had been great, though perhaps not great enough. Military and possibly naval incapacity, foreign economic competition, an impervious system of industrial production, the gangrene of unemployment, and a pestilential horde of other social and educational evils gave pause if not alarm to bewildered classes who had but just come to their political majority. Thus new social legislation, larger naval expenditure, and the mounting cost of government for a people, who were coming to ask more and more from the state, involved heavier financial burdens. Under such forces taxation, actual and potential, became an increasing social force. For both the Conservative and Liberal parties had largely abandoned the idea of taxation merely for revenue; while the social by-products of varied taxes were to become in part the justification of their increasing rates. At all events the treasury must have more money. But higher still the monarch had sensed the new social forces and by his friendly humanity had already given to the new democracy a better notion of the outward usefulness of royalty. By design and in ways still scarcely measured Edward VII had, at least for a time, gained much more general popularity for the crown than had existed in the closing years of Queen Victoria's reign. Thus the regard that had formerly been increasingly a matter of tradition had in less than nine years become personal and more reasonable to the masses.

The effect of these varied forces on politics and particularly party politics was of necessity great. Not only were the Labor and Irish Nationalist groups to threaten at times the historical

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

alignment of the two party system; but, within each of the older parties, grave changes of policy were begun, while at times "insurgency" was to influence the domination of the cabinet and of the opposition leaders. Since 1906 even the House of Lords had awakened to its legal power, so often neglected when a Conservative government had been in office. And the result had been not merely to decrease the power of the House of Commons and to block a victorious party, but also to stimulate the exercise of vast administrative powers by an executive which found itself thus balked in legislation by a second chamber.[1]

Then came the Budget, introduced in April, 1909. This, of course, is not the place to analyze it, to praise or to attack it; for here was an annual finance bill whose ancestry would carry us back into English history, far into the economic jungle, and reveal many of the social and personal forces of the present. Briefly, some of the sources of the land taxes illustrate this complexity. Thus William the Conqueror and Cardinal Wolsey anticipated Mr. Lloyd George in trying to find out who held land, under what conditions, and to what value. Each knew the historical connection between land, political power and social position. And in turn the development of large estates with the rise of capitalistic farming, the pitch toward the cities, and agricultural depression had combined to produce a tangled problem. But, though the taxation of land was an old question, it had slept quite soundly for about two hundred years. The Budget awoke the matter by aiming to deal with a condition of so-called land monopoly which had been a constant element in modern English social history.

However, a second factor in the origin of the land clauses was not English. It was in part of American origin; namely, the advance in Scotland and in England of Henry George's economic theory with regard to the single tax. In recent years throughout Great Britain this had been stimulated by the skillful preaching of these ideas under the direction of Mr. John Paul, secretary of the United Committee for the Taxation of Land Values. The expenses of this educational work had been great;

[1] *Cf.* Morgan: "The Constitutional Revolution," *Nineteenth Century*, April, 1911.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

but another and wealthy American, Mr. Joseph Fels, of Philadelphia, had played a large rôle in assisting the financing of this movement. Mr. Fels is a comparatively recent but ardent convert to the single tax. His indirect influence in this and similar movements elsewhere is likely to be of historical significance. In any case that American influence helped to strengthen and educate the forces which stimulated the demand for the land clauses is here a matter of record. In this connection the frequent statement that the land valuation movement originated with members of the Labor party can be corrected. Few of them originally cared much for single-tax theories; and, excepting men like Mr. Snowden, many of them do not yet understand the movement. But no one supposes that the single tax will be adopted in Great Britain in the near future.

A third factor was also in part of foreign origin, though it applied only to one provision of the land taxes, viz.:—the tax on the unearned increment of land. In one sense this tax, new to the English fiscal system, was "made in Germany." For several of the largest German cities had recently adopted such a tax for local purposes. In particular Frankfurt (on the Main) had been the first in 1904. Here the tax was based on the principle of progressive percentage of rates. In other municipalities the principle had been applied in varying fashion. But at Frankfurt a test of three years had proved its usefulness; and, when Mr. Lloyd George met Doctor Adickes, the Oberbürgermeister of Frankfurt, in the third week of May, 1908, the reported experience of the increment tax at Frankfurt added directly to the interest the present Chancellor of the Exchequer already had in the land question.

A last factor was personal. As a boy, in Wales, Mr. Lloyd George went hunting without a license and had since dared to extenuate poaching in England. A product of the new democracy, a man of courage and wit, his attack on land monopoly bore the mark of a revolt against the ruling class of England who so often had made laws for the Celt. He is not a man of great intellect, an opportunist in method, genial, yet often giving the impression of a cocksure young attorney. Reckless in speech, he

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

shocks even his friends. The cheap laugh at someone else's expense is one of his weapons of defense, which he readily uses. And at the bottom of it all there is the fact that he is a man without "the code"—a Chancellor of the Exchequer who knows only from the "outside" the traditions which have governed generations of great national leaders. Land valuation and taxation, therefore, appealed to him as a social reform, as politically useful, as a future source of income, and as a personal opportunity. Unconsciously he had been bred to "get even" with the squire. This was his chance and he took it.

In one sense, therefore, even though we take only the land taxes as an example, the Budget was a logical development; and in another it was an unexpected revolution. It is, however, safe to say that through it future needy Chancellors of the Exchequer will find exposed sources of income which, irrespective of party, few of them may well be able to disregard. But the immediate effect of the introduction of the Budget and of the long debate on its provisions was to galvanize the Liberal party once more into a fighting and constructive body. Then in November, 1909, when the bill came before the Lords they refused to accept it thereby forcing the general election of January, 1910. In doing so they drew the attention of all men to the composition and very possibly legal, though not necessarily constitutional powers of a legislative body, whose very basis of membership was, whether wisely or no, outside the pale of democracy. What then, were some of the various causes which led to this "gambler's throw?" Fear of socialism, a fluid term in England, the hostility of the liquor trade, the anxiety of capitalists and certain manufacturers, the indignation of landowners all undoubtedly contributed to the determination to "damn the consequences."

Still another and perhaps dominant cause was the desperate resolution of interests which were determined to force protection into the British fiscal system. In 1908 it had been said that "two bad winters" would be sufficient to convert the British workingmen to "tariff reform." January, 1909, had been a "bad month," and in the autumn it seemed likely that

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

January, 1910, would be another. Therefore, would not that season be a good occasion for a general election on an economic issue? And that issue was to be the adoption of the protective system as an alternative to many taxes proposed in the Budget. Already when it was certain that the bill would pass the House of Commons, the appeal had been made. In Birmingham at a meeting on September 22, 1909, a letter from Mr. Joseph Chamberlain declared: "I hope the House of Lords will see their way to force a general election. . . . It is, therefore, between the Budget and Tariff reform that you have to choose." Mr. Balfour was the chief speaker at this meeting; yet it is a question whether he saw this letter before the meeting. In any case Mr. Balfour in June, 1907, had said: "We all know that the power of the House of Lords . . . is still further limited by the fact that it cannot touch those Money Bills, which, if it could deal with, no doubt it would bring the whole executive machinery of the country to a standstill." Here then was a dilemma. But at Birmingham Mr. Balfour denounced the Budget, declared in qualified terms for protection, not committing himself on the question of duties on food stuffs; and also said that, if the conflict was to come as the result of intolerable tension between the adherents of the two fiscal programs, it "will not be decided at Westminster." In other words this conflict would be decided by means of a general Parliamentary election.

Nevertheless, the situation was not clear, for on October 12, 1909, the natural inquiries of the King looking to some adjustment and possible prevention of a great crisis met with irritating failure before the unwillingness of Lord Lansdowne and Mr. Balfour to define the prospects of the immediate future. And while the Budget was passing the House of Commons, during the November days when the more cautious elements in the House of Lords were trying to avoid critical action a hard fight took place.

It was at this juncture that Mr. J. L. Garvin, the versatile if verbose editor of the *Observer*, was able to exert some influence. In conversation well-informed men have accepted the notion that Mr. Garvin's vehement arguments were the determining

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

factor. I doubt it. Yet Mr. Garvin is worthy of attention. He is Irish; in his recent youth a radical and now looked on by Nationalists as a renegade, he has become an ardent supporter of imperialism and protection. In many places, under various names and sometimes anonymously he appeals to the country gentlemen and capitalists of England to save the Empire from German conquest and from Celtic outcasts. He was also a leader writer on the *Daily Telegraph* until 1911, but now is political director of the *Pall Mall Gazette* where the American millions of Mr. Astor support him in his attacks on Mr. Redmond, the "dollar dictator." Mr. Garvin's friends call him a genius and his enemies a Jesuit. In any case he had in November, 1909, become at least the mouthpiece of interests which were pledged to protection; and the Lords answered to the call. Thus practically for the first time since 1884 the democracy was asked to give a verdict on fundamental economic questions.

The election of January, 1910, needs no comment here. The next act in the drama opened in February when the new Parliament met. Its composition was already fixed;[1] not so with regard to its program of action; for during nearly two months after Parliament met a controversy continued on important questions. Was a bill dealing with the powers of the House of Lords to be promptly introduced? Was the reform of the composition of the second chamber to be attempted at the same time? Should the Budget be sent again to the Lords before the House of Commons could have opportunity of also sending up a bill dealing with the constitutional question? Lastly was the much needed support of the Nationalists to be purchased by modifications in the Budget with regard to taxes on liquor and land? These matters did not figure in clear fashion in debates in Parliament, nor were there many decisive official statements regarding them. For the essential divisions of opinion regarding policy were fought out in the secrecy of cabinet meetings, in caucuses of party factions and in private conferences between

[1] Liberal, 275; Conservative, 273; Labor, 40; Nationalist, 71; Independent Nationalist, 11.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

party leaders. The entire truth will probably not be known to our generation, yet certain impressions remain strongly founded.

So first as to what happened by the end of April. At the end of March Mr. Asquith introduced resolutions which served as the basis of the Parliament or Veto Bill. This was read for the first time in the House of Commons on April 14. Its detailed provisions can have no commentary here. But, briefly, a preamble proposed a future reform of the composition of the House of Lords on a more popular basis, while the bill itself provided for abolition of the Lord's veto on finance bills, leaving to the Speaker the question of "tacking;" after the passage of other bills in three successive sessions of the Commons, provided two years elapsed in the meantime, the consent of the Lords was no longer necessary; and lastly, the duration of a single Parliament was reduced to five years. Significantly, a few days later the Budget was introduced again without essential modification and passed April 27, the Nationalists under Mr. Redmond graciously abstaining from voting. The next day it passed the House of Lords without a division and became law April 29, a year from the date of its introduction.

How had these results been gained? What interpretation may be given to such facts as are known and what forces had been generated since February 21? The period was one marked by some hesitation and considerable difference of opinion. For the cabinet had been "skating on very thin ice." Some of these differences are in part represented by the curious combination in the Parliament Bill of a preamble, due to Mr. Lloyd George and Mr. Winston Churchill, which practically promised a new second chamber and secondly a series of positive provisions which greatly reduced the powers of the present House of Lords. Thus such difference of opinion appeared between, for example, Sir Edward Grey and Mr. Haldane on the one hand and Lord Morley and Mr. Harcourt on the other, that Sir Edward Grey and Lord Morley, who is a difficult man in a cabinet, nearly left. It is possible, indeed, that some of the doubts of the cabinet regarding the intent of the resolutions were

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

reflected in the perplexities of draftsmen only a few hours before the text of the bill was introduced.

In the second place the decision to proceed with the House of Lords resolutions and the introduction of the Veto Bill before presenting the Budget has been generally credited to the pressure of Mr. John Redmond. His was the victory over an uncertain and divided cabinet; an Irish Nationalist dictated terms to the Liberal party. At least, so many well-informed men and most English papers have said, and continue to say. But I doubt it. It is true that before Parliament met in February Mr. Redmond had declared for prompt action with regard to the House of Lords. So, however, had many Liberal candidates declared during the elections in January. This was particularly true in Scotland and in the north of England. When, therefore, on February 21 the Prime Minister failed to make a sufficient pledge regarding this matter, when fear fell on the radical wing of the Liberal party that their leaders would not march on, a general disorganization followed. For a week the Liberal party seemed almost to disappear in the country. What had they been fighting for? Was it all to end in compromise and futile resolutions?

The authority of the cabinet was great. As in time past the cabinet had been absorbing the power and authority formerly vested in the monarch, so in more recent years all men recognized a similar process had been taking place with regard to the authority of both houses of Parliament. Here too the cabinet had gained at the expense of the legislature, of which, however, it was also a part. Independence within the party organization was tending rapidly to disappear. These well-known facts of political development made it especially difficult for a radical wing of the party in power to express effectively its distrust of a strong element in the ministry. Yet this took place. The decision arrived at represents on the whole an assertion of legislative versus executive influence, a victory of a party in spite of some of its leaders. Quite aside from the question of tactics involved, the result was important in the development of party history and in the history of the relations of cabinet and House

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of Commons. But this victory of potential "insurgents" within the Liberal party was marked first of all by their apparent defeat; for early in March after earnest debate at a caucus attended by a group of Liberal members, chiefly from the north, counsels of moderation and delay won the day. Some London lawyers who sat for northern constituencies helped to secure this result by appeals to history and constitutional law and practice. Thus, although an important section of the Liberal party did not revolt against Mr. Asquith, the pressure brought to bear was to be sufficient. This, therefore, in the last analysis was not Mr. Redmond's victory, but the victory of the radical rank and file of the Liberal party.

It is true, however, that Mr. Redmond played a rôle. He could, as the leader of a group apart from the Liberals, voice ideas which, if they had been violently advocated by members of the Liberal party, would have made it plain to everyone that a revolt was taking place within the party. Thereby the situation would have been much more complicated. In one sense, therefore, Mr. Redmond became for a time the mouthpiece and Parliamentary advocate of the fighting section of the Liberal party. And in the third place this situation probably influenced the decision reached with regard to the Veto Bill. For if at this time the party were to attempt the problem of the composition of the upper house differences of opinion in the cabinet would have inevitably stimulated differences within the party. New lines of division would have again imperilled the situation. In any case we have the paradox of the Liberal case against the Lords. From a strictly party point of view it was, at least for the time being, more to the advantage of party campaigning and legislation that an anomalous "indefensible" House of Lords should continue to exist, though stripped of final power, rather than that by reform, by changes which would give greater moral authority to the upper chamber, the political power of that house should also and inevitably be increased.

In the fourth place was the question of the Budget. Throughout the first four months of 1910 a vociferous campaign was waged by the Conservative press and by the O'Brien National-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ists regarding the hardships which the Budget imposed on the Irish taxpayer. In particular the land and income taxes and the heavy rates imposed on the liquor interests were denounced; but these very taxes were extremely popular with the radical wing of the Liberal party. If Mr. Redmond's followers voted against the Budget English democrats in the Liberal ranks would not forgive or forget such action. Mr. Redmond had, therefore, to choose whether he would face the charge of failing to consider what were alleged to be Irish interests, thereby possibly strengthening elements which were hostile to his leadership, or whether by voting against the Budget he and his followers would alienate the sympathies of British liberalism perhaps for generations to come. In any case what was to be gained by voting against the Budget? The defeat of the Budget might place the Conservative party in office; a general election would follow largely on the issue of Irish domination; and no one could foretell the result if the Liberals of Great Britain were to enter the campaign angry over the betrayal of their cause by Mr. Redmond.

At all events, the Budget probably supplied Ireland with benefits much greater in proportion than any hardships imposed. But Mr. Redmond's followers were not themselves unanimous with regard to the Budget; some were in favor of protection, others were free traders. Some were genuine democrats; others, possibly including Mr. Redmond himself, were "spiritually tory." And if the Irish party were to be split the ultimate and economic lines of division between the land-holding and industrial elements would appear. These lines of division between town and country are likely to prove of great importance in Irish history particularly if Home Rule is secured. This is true in spite of Ulster and all the religious politics of last December. For merely as an aside, if the Vatican should urge its objections to Home Rule or endeavor to interfere, through bishops and parish priests, with the natural development of Irish politics, the situation would promptly recall both French and Spanish crises. For some men are ready on this anti-clerical issue to "out-Spain Spain." On the whole, there-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

fore, while some men said that the Nationalist leaders were fearful lest the English "Whigs," by failing to take adequate action against the powers of the House of Lords, would compel the Irish to vote against the Budget, the truth is more likely to be found in the fact that Mr. Redmond and his followers, even those who disliked the Budget, dared not vote against it.

However, both Mr. Redmond's party and Mr. O'Brien's faction undertook, at least for tactical purposes, to secure, if possible, modifications in the proposed taxation or pledges for the next Budget, as the price of their abstention from opposition to the Budget of 1909–1911. The Chancellor of the Exchequer acted in these negotiations; for during these weeks Mr. Asquith did not consult with Mr. John Redmond. Indeed, throughout these months the Prime Minister's attitude was "very offensive" to many Irishmen. But even the personal friendship of Mr. T. P. O'Connor and Mr. Lloyd George did not finally result in any modifications; and no pledges were given by the Liberal cabinet. One reason may have been the indiscretions of Mr. William O'Brien who undertook to reveal what he thought the Chancellor of the Exchequer in a private conversation had intimated as likely concessions to Irish exigencies. The proper punishment for such action was prompt. Thus we come to the end of this troubled period.

A week later, on May 6, the King died. During the previous fortnight Liberal party headquarters had been much occupied, and designs for posters to be used in a forthcoming election were submitted. A desperate election on the constitutional issue seemed likely for July or even earlier. Already on April 14, the day when the Parliament Bill was introduced, Mr. Asquith had stated in the House of Commons "that in no case will we recommend a dissolution except under such conditions as will secure that in the new Parliament the judgment of the people as expressed at the elections will be carried into law." The alternative was resignation. This statement had been communicated to the King, who was then abroad. In other words, while "guarantees" had not been requested, while "advice" had not been tendered to the King, the Prime Minister's

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

party headquarters were preparing for an election under terms and conditions already described. The inference then seemed fair that the cabinet believed that the King would accept the "advice" of his Prime Minister with regard to the creation of a sufficient number of peers to carry the Parliament Bill through the House of Lords in case after a general election the necessity should arise. Indeed, Mr. Asquith's statement in the House of Commons on August 8, 1911, suggested that this inference was justified.. In this connection and in view of later developments it is well to bear in mind that, under George V, Lord Knollys has carried on the secretarial tradition of King Edward's reign.

However, in May, 1910, the essential and dramatic factor in the political situation was the sudden death of Edward VII. Although the direct political power of the British monarch had greatly decreased during the nineteenth century, the influence of a dead King was immediate and striking. Indeed, in one sense the death of the King was vicarious, in that it won for the nation a much needed truce. This was welcome to all moderate men. To put the matter bluntly many Conservatives felt and some said that by dying on May 6 the King had helped their party. Whether correct or not the belief was also very general in Liberal and Labor ranks that the King's death was a loss to liberalism and social reform which could not be promptly recovered. Certainly the program of the government was soon altered.

Thus shortly from many directions came pleas for delay, for compromise, for a conference between party leaders. Might not the constitutional question be submitted to a private committee of experts? Had not the American federal constitution been framed in some such fashion? This last idea led to the publication in the *Times* of letters signed "Pacificus" which were bred of their author's interest in Alexander Hamilton and a study of the work of the Constitutional Convention of 1787. They undoubtedly attracted considerable attention, and helped to prepare the way for what was to follow. The Liberal leaders had to make a decision. On the one hand were supporters from

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the north who did not understand in their political ardor even the conventionalities of English politics. On the other, was the new King. Even here the notion that a direct request for a conference or truce came from the King would be a mistake; but naturally and to the gratification of the King, the Prime Minister by writing to Mr. Balfour arranged in the end of May for a conference on the relations of the two houses of Parliament.

Mr. Asquith, Mr. Lloyd George, Lord Crewe and Mr. Birrell represented the Liberals. But even the membership of this committee, notably the omission of Mr. Haldane, probably was directed in part by the need of not offending the "insurgent" group of last March. The Conservative four were Mr. Balfour, Lord Lansdowne, Lord Cawdor and Mr. Austen Chamberlain. Thus these eight men began a series of private meetings which did not finally and futilely end till November. It would seem that Mr. Lloyd George, whose success in other conferences had been marked, had at first in mind the possiblity of agreement in the conference on other and various outstanding questions. In the end, however, the conference broke up on the questions of referendum and Home Rule; though in this connection Mr. Balfour's conversion to the referendum was apparently not accomplished till after the third week in October. But it is impossible to write here of the inner history of these meetings. That may be the work of students of a later day; for although several newspapers have published possibly inspired comments on certain phases of the work of the conference it has not been possible to reconcile many of them with what is known.

So we come to November, 1910. There was the short session of Parliament during which the alternative to the Parliament Bill was presented by Lord Lansdowne's resolutions. These should be connected with the two sets of resolutions presented by Lord Rosebery in March and November, 1910, in order to unite the proposals regarding the powers, position, and composition of the second chamber as advocated at this time by those opposed to the Liberal ministry. The composition of the upper house was, of course, further developed in Lord Lansdowne's Reconstitution Bill of May, 1911. The net result was

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in reality to give the country a choice of "revolutions." For the Conservative alternative was not only different from existent conditions, but revealed a remarkable alteration in their own attitude and platform. This is clearer when we compare certain statements.

Thus at Nottingham on January 15, 1906, Mr. Balfour had said: "It is the bounden duty of each one of you, in his separate sphere and with such power of influence as he has been endowed with, to do his best to see that the great Unionist Party should still control, whether in power or whether in opposition the destinies of this great Empire." Yet on April 13, 1910, Mr. Balfour had said that his "honest opinion" was that the Lords did not act "and have never attempted to act, merely as a partisan body favoring one party in the state." On the other hand, Mr. F. E. Smith, a younger yet important member of the Conservative party of whom we shall hear more, wrote in the *Times* on June 15: "What is required is such a House of Lords as will give to the Liberal party, when in power [*i. e.*, in office supported by a majority in the House of Commons] as good a chance—or as bad a chance—of carrying their legislation as it [*i. e.*, House of Lords] will give to the Conservative party in power." A further sign can be seen in the difference between Lord Curzon's declaration on December 29, 1909, that "if the hereditary legislator is incompetent to touch finance, he is incompetent to touch anything" and Lord Curzon's desire as expressed on November 17, 1910, that "we [*i. e.*, the Lords] should have a House which would not be hereditary in composition; we should have a House the hereditary element in which would only come here if it were supported by the tests either of official service or of election by their fellows." Lord Lansdowne had already said on March 17 that he for one was "in favor of a change which shall bring us [the Lords] outwardly and visibly into closer touch with the democracy of this country." It was under pressure of this sort, because of a somewhat hurried shift in opinion within the Conservative party that last November a reluctant majority of the peers practically "threw up the hereditary sponge," and voted for "reform" of the House of Lords, for legislative

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

definition of its legal powers and for further provisions to "adjust any differences of opinion which might exist between the House of Commons and the reconstituted House of Lords." It is, however, impossible, within the limits of this article, to discuss in detail these proposals or the Conservative amendments to the Parliament Bill which were later proposed in both Houses. Our concern is now only with the course of party politics.

Thus we pass to three matters: the election of December, 1910; the policy and problems of the Conservatives; and the question of the possible creation of peers.

First we must consider that, after the failure of the conference, the relations and understandings of King George and the cabinet recalled the conditions which had existed in April. On November 15 a letter was laid before the King; as the result it was understood that in the event of the government coming back after the elections "as before or stronger" and in the event of the continued opposition of the House of Lords to the essential provisions of the Parliament Bill the cabinet must be free to offer advice to the Crown regarding the creation of peers. George V was then to play the game out according to the constitutional conventions which party exigencies might invoke. But in view of the critical situation it was essential from the Liberal point of view that every advantage should be utilized. The government, already encouraged by the success of a by-election at Walthamstow in late October when the Liberal majority had been increased, determined to dissolve promptly and suddenly. Thus the country would not have time to appreciate the belated change which had finally overtaken the Conservative program. It would also be an advantage to appeal to the arbitrament of a general election in dramatic fashion. Therefore, although the election would be fought on the old register of voters, which was probably a disadvantage to the Liberals, the fight would be over before the holidays and before the Christmas doles could influence the tenantry in the counties. Yet in spite or because of these and other considerations the December election was a gamble. For if, as has been intimated, there had been a reduction by a comparatively few seats of the coalition majority it

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

might have been difficult to carry out the Liberal program. The unusual number of by-elections in the first half of 1911 was indeed a source of anxiety to the government. "We have had our hearts in our mouths." If a real or perhaps only an apparent swing of the pendulum had set against the Liberals as the full purport of the alternative proposals came before the country, or for any other reasons, it would have been increasingly difficult to maintain the conditions upon which the whole hypothetical understanding with the King rested. But all parties stood in 1911 practically as they had stood in the previous February, as the result of the first election of 1910. It becomes clearer, therefore, that if it was certain that the conference could not come to an agreement the Conservatives made a mistake in not breaking it off earlier; for in one sense the very fact that the conference had failed became a party asset for the Liberals. In the second place the Conservative alternative was badly formulated. Even if it had, under other circumstances, won approval in the country, which is open to serious doubt, few could understand its significance, in December, particularly when Conservative papers denounced the Liberals as now (*i. e.*, in December) seeking to maintain the hereditary peerage. No one can turn around as quickly as that in England.

Thus we come to Conservative politics and problems. The history of the adoption of the referendum as a part of the party program would take too much space. But it is safe to say that Mr. Balfour's promise on November 29, that in the event of victory in the forthcoming elections the policy of protection would be submitted to the electorate by referendum was in reality an election device, showing weakness and likely to prove embarrassing to the party in the future. In general the basis and working of the referendum are as yet but dimly perceived by the party and by the nation. In fact, in the country at large one now hears practically nothing about it.

With the reintroduction of the Parliament Bill in February, 1911, it was open to the Conservative party and more particularly to the peers to act as in the case of the Budget. Then, after the election of January, 1910, amendments had been pro-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

posed, protests voiced, but the Lords bowing to the verdict of the electorate as expressed in the recent polls had allowed the Budget promptly to become law. Now another policy was adopted. Amendments were successively introduced in both Houses and finally the Bill was returned to the Commons with important alterations, the work of the Unionist majority in the House of Lords. As the result, when the Bill came back to the Lords practically as at first and when the power of the Cabinet to secure the passage of the Bill by a sufficient creation of peers became officially known to the public, the adherents of Lord Lansdowne gave way. In other words, instead of bowing to the decision of the electorate the official leaders of the Conservative party only gave way before the proposed exercise of the royal prerogative. The original reason for this policy was apparently the hope that by a judicious whittling of the Parliament Bill the Liberals would be compelled to accept a compromise or would be forced to ask for royal intervention in behalf only of amendments which could be so minimized that the advice of the Cabinet would appear in its least justifiable form or, in other words, in its most outrageous character. In any event there was always the chance that something might turn up to alter the situation. But the party organization in the meantime did not conduct a very effective or energetic campaign in the country.

A further development was the unsuccessful attempt to raise the issue of the reform of the composition of the House of Lords. Thus in May came Lord Lansdowne's Reconstitution Bill of which something can be said shortly. But after all the dominant factor was that people were tired of political agitation. The country was interested in the coronation and until the very end of July, when the struggle was practically over, men refused to be aroused. Even in the final stages the great body of the electorate regarded the contest as after all a fight among politicians in which fortunately they need not take an active part. At the end, therefore, the bulk of the non-political Unionists could have recourse merely to mournful profanity.

On the other hand, a different situation had developed within the Unionist section of the ruling class. Here a significant

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"insurgent" movement finally came to the surface, which greatly complicated the last act in the constitutional drama. Naturally the cohesive forces of a party in opposition are always subject to a special strain; but, as compared with the Liberal party, the Unionists have in general enjoyed much greater social solidarity and apparent political unity. But division among the Unionist leaders had been in the making for some time. Since 1903 there had been real though not always open distrust between the ardent supporters of tariff reform and those who merely gave lip service or who tried by dialectics to veil their own personal uncertainties with regard to the new yet finally official fiscal program of the party. In this connection it is interesting to note that the clearest evidence of strife within the general Unionist organizations came in July, 1911, from Birmingham. There, in defiance of Mr. Chamberlain, the Conservative associations supported Mr. Balfour; and Birmingham is one of the few English boroughs in which are still maintained intact and extending down to the wards the complete organizations of both the Conservative and the Liberal Unionist parties.

Furthermore in the winter of 1910, and increasingly during the spring an attack began on Unionist headquarters. Thus in April charges of mismanagement became privately vehement.[1] In early summer the movement spread till a group of "knockers-up" appeared. These hoped to awaken the older elements of the party to new problems and a sharper attack. Though for the most part strong tariff reformers, they probably would not have been unwilling to use other issues which might strengthen their position. Certainly many of them disliked if they did not distrust the leadership of Mr. Balfour. On the constitutional question they were divided, but the majority were then in favor of a decided reform in the composition of the House of Lords.

During 1911 the official change in policy regarding the hereditary principle introduced an additional element; for the hitherto comparatively quiet dislike of Lord Lansdowne's proposals became vigorous and open. In effect the leaders had told the

[1] It is worthy of note that in the winter and spring of 1911 after several conferences considerable reorganization took place at Unionist headquarters.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

peers that a small number of them, enjoying the confidence of their own class and being otherwise qualified by merit, would be fit for a reconstituted House of Lords. Others could be admitted only on the approval of members of the House of Commons, while some three hundred hereditary peers were told that they were no longer wanted or were unfit to legislate in the house of their ancestors. Thus Lord Lansdowne and Mr. Balfour advised them to commit political *hari-kari*. Small wonder that men like Lord Halsbury, who sincerely and conscientiously believed in the hereditary principle, should resent a leadership which seemed in the first place insulting and secondly now bid fair to be ignominiously unsuccessful in maintaining even the historical powers of the upper house.

For on July 9 the *Daily Telegraph* had advised the peers to "drink the hemlock" and accept the Parliament Bill as it finally passed the House of Commons. This, as we have seen, was to be the official policy of the party. As a result two more elements were brought to unite with those already in opposition to the leadership of Mr. Balfour and now of Lord Lansdowne. For it is more than likely that some of the peers who would have been decapitated under Lord Lansdowne's reform scheme hoped by forcing the creation of Liberal peers—"puppet peers" or "harlot peers" though they might be,—that the Liberal party might be forced to relinquish its ultimate plan for a reconstruction of the membership of the Second Chamber on a more popular basis. Still another and more democratic group were sincerely persuaded that by compelling the use of the royal prerogative the ultimate party advantage in the country at large would be with the Conservatives. They were thus willing to sacrifice a social system for political purposes; and they cared little for the feelings or attitude of the King.

The initial public demonstration of the revolt took place in the House of Commons on July 24, when Lord Hugh Cecil, Mr. F. E. Smith and others by shouting down Mr. Asquith also showed their independence of Mr. Balfour's leadership. There followed on July 26 a bellicose banquet in honor of Lord Halsbury who had refused to follow Lord Lansdowne. Thus men ready "to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

die in the last ditch" first showed themselves ready in classical fashion for "war to the knife and fork." These "ditchers" shortly became bolder in their defiance of the "hedgers," the regulars who were ready for "scuttle and surrender." For the "die-hards," or "dine-hards" as they promptly were labelled, held several successful public meetings. On the whole the movement within a short time showed much greater strength than was anticipated; and this even in the face of, or perhaps because of, scarcely veiled threats of resignation on the part of Mr. Balfour, who declared that "with Lord Lansdowne I stand; with Lord Lansdowne I am ready, if need be, to fall." In the end the "ditchers" were able to out vote the Liberal peers in the final division in the House of Lords; and the Bill was passed on August 10, thanks to a few prelates and some 30 Unionist peers who, breaking with both "ditchers" and "hedgers," reluctantly went into the government lobby in order to prevent the creation of peers. Thus the "ditchers" though beaten, were able to show before the country an attitude and tactics widely differing from the somewhat conventional if probably wiser official position of their party. Of course, the real object of a fair proportion of the "insurgents" was the ultimate retirement of Mr. Balfour and probably Lord Lansdowne. It is, however, doubtful whether, they will be promptly successful. They can, of course, enter a "cave Adullam"[1] or attempt a "fourth party," which would in reality now be a fifth party. In any case only a heroic beating of the Protestant and imperialist tom-toms on the issue of Home Rule is likely to bring much more than nominal accord for the Parliamentary session of 1911–1912.

After all, though the "ditchers" may have had human nature on their side, Mr. Balfour's position was thoroughly historical and English. The regulars opposed the swamping of the Lords by new creations, for social reasons; and because they wished to preserve at least the two years suspensory veto, reserved to the Lords even by the Parliament Bill, which might have been lost if a real Liberal majority had been created in the upper house. After all much might be saved from the *débâcle* which would be

[1] I. Samuel, 22, 1–2, and Hansard, Vol. 182, pp. 219–220.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

useful when another issue should appear. Moreover, was it not a sort of tardy sop to democracy, recognizing, now that the peers were no longer "free agents," the verdict of the country in the December elections? Many were also undoubtedly influenced by a real desire to spare the King the necessity of advancing to what was naturally an "odious" extremity. On the whole, however, the Unionist party openly brought the King into the question as a party asset more directly than did the ministry; and as a final touch we have the Unionist denunciation of those who had profited by the youth and inexperience of an educated and traveled monarch forty-six years of age.

But such calm considerations did not affect the feelings or language, whether private or public, of the ordinary member during the height of the Unionist controversy this summer. If the "hedgers" were indignant and contemptuous, the language of the "ditchers" did not lose explosive character because it had been bottled for months. Thus the "ditchers:" "The incurable sloppiness" of the leadership of the "Rt. Hon. A. J. Foozle" among "Mandarins" who had shown "lethargy, supineness and indifference" was only paralleled by the "incapable cowardice" of Lord Lansdowne, who in his proposed reconstitution of the Lords merely set up "an idol," which the leaders of the Conservative party "would convert into a rag doll, a thing with glass eyes and straw intestines, and a face of putty." It was time to do away with the "snubbings and snobbery of the sycophants" who had betrayed a great party, which after all needed most of all only an "obviously honest line," etc.[1]

And here is a paraphrase of comments by the "hedgers" on "insurgent" leadership. The chief reason why in any case Mr. F. E. Smith was not on the radical side of the House was that, having Lloyd George and Winston Churchill, the cabinet had no need to make sufficiently attractive terms with "F. E." A contemptuous laugh was for Mr. Austen Chamberlain, who at the Halsbury dinner had been hailed as "our future prime minis-

[1] *Cf. inter alia: Morning Post, Pall Mall Gazette, Express, Saturday Review,* Sunday *Observer, National Review* and scattered articles in *Fortnightly Review* and *Quarterly Review.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ter;" though the particular sort of "trick" of lugging in his aged father to telegraphic support of the revolters met with vitriolic comment. But the most serious defection from Mr. Balfour's ranks was that of Lord Selborne; and an impatient allusion to that "stupid person" could not conceal the fact.

After all what were possibly some of the reasons for the indignation and surprise shown by both "ditchers" and "hedgers" at the situation which confronted both? First, was the smart of a real defeat; second, was the appreciation that since February Parliamentary debates had been rather farcical. Moreover, it was an open question whether the general run of the party had interpreted correctly the obvious deductions to be drawn from Mr. Asquith's statements and tactics, dating from April 14, 1910. Had they continued to believe that the King would play an unconstitutional rôle in their behalf? Had they thought that the whole Liberal program was mere paper and the government a pack of political bluffers? Any such hypothesis is not creditable to the intelligence of those who may have acted under it.

Thirdly is the matter of the Liberals and the royal prerogative. On the whole, during 1911 the attitude of the government became less compromising as time went on. Points which might have been conceded in the conference were now insisted on. They were winning and an impatient coalition pressed behind. Furthermore, as the full character of the Conservative alternatives became clearer both conviction and party exigencies restrained the possibility of serious concessions. Indeed, in the last analysis the logic of events, however regrettable, and particularly conditions of party alignment, both internal and external, gave the needed force and opportunity to a principle and a program which had become historical and fundamental in the development of the party. But in the special and climactic problem of the exercise of the royal prerogative there had been hesitation and caution; for as compared with 1832 the present ministry could not depend on the personal intervention of the King, which finally in 1832 had so greatly assisted the passage of the Reform Bill without recourse to the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

creation of peers. Yet, once the policy had been decided on, it would have been political folly and party suicide to have given way. So the various lists of names of possible peers were arduously prepared. And here came a revelation of "snobbishness, cupidity and vulgarity." Members of Unionist families offered to change sides to vote for both Parliament Bill and Home Rule; while representatives of a certain class of Americans, ignorant, among other things, of British naturalization laws, offered to sacrifice themselves on the radical altar. Indeed, financial offers were made by candidates which if they had been accepted would have so increased the war chest that the party could have met the drain of successive general elections with comparative financial calm. However, to the immense relief of the soberer elements of the party these successive lists were not needed; and thus, as we have seen, the first stage in a great constitutional struggle became a matter of history.

Naturally such important topics as the attitude and policy of the Nationalist and Labor parties could not find room here; and, for the time, the more clearly constitutional aspects have been intentionally slighted. It is a misfortune, indeed, that in England of all countries such fundamental constitutional questions should be so largely controlled by a desperate struggle for party power. For it is clear that the plea of party and electoral exigencies can scarcely free the Liberals from the charge that in this period of great economic and consitutional change, they have sought, whether consciously or not, to profit by incitement to class hatred, thus whipping up sleeping dogs and holding forth the elusive hope of a speedy millennium. By their persistent, and as it appears, mistaken refusal to indicate, even in 1911, at least their probable general proposals for the reform of the membership of the second chamber they have emphasized suspicions and criticisms in the minds of many observers. But, on the whole, if the Lords dislike the present situation they have chiefly themselves and a group close to Mr. Chamberlain to blame. If the Liberal leaders suffer sharply at the hands of future historians we must remember that this stage of the solution of a complicated question was worked out under the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

stress of a rather stupid opposition, at times in the hot fire of threatening party disorganization, while on both sides personal rivalries and factional disputes fanned the flames of controversy. Politics in any case "must forever remain an inexact science;" and throughout these struggles the reaction of personalities has seemed so complex yet so important that one unconsciously shudders at the confidence with which some history has been written. But looking back to 1884 we can now recall the words of Mr. John Bright, that "it is not consistent with the character and freedom of a great nation that an irresponsible House—a House that is not representative—should have the power every few years to bring about a great and grave crisis."

England now has special need of a strong and far-sighted administration. For the ruling class, however recruited, will require both sympathy and conscience as it is to be increasingly subjected to the impatient demands of an unprepared democracy already eager for state doles and expectant of prompt cures for complicated ills. Sufficient unto the day is either the evil or the good thereof has been a proverbial maxim of English cabinet government. It would be unfortunate if the tradition should continue.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

DIRECT PRIMARIES AND THE SECOND BALLOT

A. N. HOLCOMBE

Harvard University

One of the unsettled questions in direct primary legislation is the test of party affiliation. Upon what terms should the voter be permitted to participate in the selection of partisan candidates? Should he be required to prove past action with the party whose primary he would attend, or should a mere declaration of present intention to give it his future support suffice?

The former requirement may take the form of an oath that the voter has generally supported the candidates of the party in the past, or at least at the most recent election. Such a test of party affiliation has the apparent advantage that it protects the party primary from invasion by members of other parties for improper purposes, and thus preserves the purity of the partisan nominating system. This advantage, however, is more apparent than real. There is no effective way of discovering a case of perjury without at the same time violating the secrecy of the general election ballot. An oath which can be neither gainsaid nor corroborated excludes only the conscientious voters, who do not need it, and admits the unscrupulous members of all parties.

A less objectionable test of party affiliation may take the form of a declaration that the voter has not participated in the primary election of any other party within a prescribed interval. This declaration may be enforced by a system of party registration, which will impose material obstacles to capricious or dishonest changes of party affiliation. There are three important objections, however, to any effective system of party registration. First, it interposes too rigid a barrier to the prompt redistribution of voters among the parties in response to a sudden change in the dominant party issues. Secondly, it tends to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

prevent a different party affiliation in federal and in local politics in response to differences in the attitudes of parties towards federal and local issues. Thirdly, it tends to encourage an unnatural concentration of voters of divergent political sympathies in the primary of a dominant party. The tendency of the establishment by law of an effective test of party affiliation is, therefore, to perpetuate obsolete party divisions, to confuse distinct party issues, to undermine minority party organizations, to divide majority party organizations, and to give to a minority of the voters, namely, the dominant faction within the dominant party, a disproportionate influence upon the results of elections.

The alternative is to accept a test of party affiliation based upon a declaration of the intent of the voter. This requirement amounts in practice to no test at all, and hence one solution of the difficulty is to dispense with a test and open the primary elections of all legal parties to all voters, regardless of past or prospective party allegiance. This system of direct primaries has been introduced into several American states, notably into Wisconsin in 1903. A further stage in the development of the direct primary is the abolition of all partisan designations on the primary ballot, and the restriction of the ensuing general election to a choice between the two leading candidates at the primary. Such a so-called non-partisan direct primary has been established in a number of cities under the commission form of government, and is expected by some of its sponsors to solve the problem of securing satisfactory nominations to municipal office by eliminating parties altogether from municipal affairs.

This system in theory results in the selection of two nondescript candidates from a large field. In practice, the final election between these two is a contest between candidates, who, though officially unticketed, cannot hope to win without organized support. We may not in common parlance dignify these supporting organizations by the name of parties, but they possess nevertheless the spirit of party, for they indicate a purpose on the part of groups of citizens to combine in order to influence an election. We may name the election a non-partisan election.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In fact we have not abolished partisanship nor party government. We have simply replaced the bi-partisan system of politics, with what is, in effect, the multi-partisan or Continental group system. An examination, therefore, of the operations of the Continental group system may throw light upon certain problems in this country in the nomination of candidates for public office.

Among these problems are the following: (1) does the holding of a second election between the two leading candidates at the primary produce a more accurate representation of the popular will than if no second election were held, the office being awarded immediately to the candidate receiving a plurality of votes at the primary; (2) if the second election does not produce a more accurate representation of the popular will, what does it produce; and (3) could its effects, if any, be accomplished better in any other way?

An Italian writer has recently made a partial examination of the evidence bearing upon these problems afforded by Italian experience with the *ballottaggio*[1] or system of open primaries followed by a second election. (In Italy, the members of the Chamber of Deputies are elected by a majority vote in separate electoral districts. If no candidate receives a majority at the first election, a second is held a week later between the two highest.) At the elections of March, 1909, there were 75 electoral districts out of a total of 508 in which no candidate for the Chamber of Deputies received a majority of votes at the first ballot or, as we should say, at the open primary. At the ensuing second election, that candidate who had a plurality at the first ballot, was elected in 57 instances. In only 18 districts, therefore, out of 508 did the taking of the second ballot between the two leaders change the result of the election. The total effect of the second ballot is indicated by the following table:

[1] A. F. Locatelli: Considerazioni intorno all' opportunità di abolire il ballottaggio, in *La Riforma Sociale*, 1910, pp. 556–570.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Party	Total Seats		Net Loss (−) Gain (+)
	Lost	Gained	
Costituzionali (supporters of the ministry of the day)	8	10	+2
Costituzionali di opposizione	2	1	−1
Cattolici	4	0	−4
Radicali	1	3	+2
Repubblicani	—	1	+1
Socialisti	3	3	0
	18	18	0

At the general elections of 1904 and 1900, the number of second ballots was 77 and 39, respectively, and the number of districts in which the leading candidate at the first ballot was defeated at the second was 19 and 8, respectively. The net result of the second ballot in 1904 and 1900 is indicated by the following table:

	1904			1900		
	Lost	Gained	Net	Lost	Gained	Net
Costituzionali	9	10	+1	4	3	−1
Costituzionali di opposizione	1	1	0	1	3	+2
Cattolici	1	0	−1	—	—	—
Radicali	2	3	+1	1	1	0
Repubblicani	—	3	+3	1	1	0
Socialisti	6	2	−4	1	0	−1
	19	19	0	8	8	0

The Ministerialists (Costituzionali) gained 2 votes in 1909, and 1 in 1904, and lost 1 in 1900 at the second ballot. Clearly, the influence of the second ballot upon the position of the ministry as determined by the first ballot has been so slight as to be negligible. The effect of the second ballot has been almost as negligible in the cases of the constitutional opposition, the radicals, and the republicans. These are the moderate parties in Italy, although the last two do not bear moderate names, and on the whole gain rather than lose by the second ballot. The

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Catholics and Socialists, on the other hand, which are the extreme parties under Italian political conditions, have borne such losses as have been occasioned by the second ballot. On the whole, however, the position of Italian parties as established at the first ballot in the last three general elections has not been materially altered by the taking of the second. The changes that have occurred have been generally in favor of the moderate as opposed to the extreme groups. As the Continental politician would phrase it, the effect of the second ballot, so far as it has had any perceptible effect, has been slightly to move the representation of the electorate towards the center.

The comparative unimportance of the second ballot in recent Italian elections does not necessarily indicate, however, that the second ballot is an ineffective instrument for securing an accurate representation of the electorate. Its unimportance may indicate simply that it is superfluous, that is to say, that the electorate is represented with sufficient accuracy by the results of the first ballot. The first ballot resembles in form an electoral system requiring merely a plurality instead of a majority of votes, such as, for example, the electoral system of the United States. On behalf of such an electoral system, it is often argued that, although in any particular district the will of the majority may thereby be occasionally defeated, nevertheless in the country as a whole the plurality elections won by one party will be offset by those won by another, and the will of the entire people will prevail; that is to say, a majority of the voters will elect a corresponding majority of the representatives, even though individual representatives are chosen by a minority of the voters in their districts. The answer to the argument lies in the facts themselves. It is a matter both of common knowledge and of scientific record[1] that in the United States these plurality elections do not offset one another. Not only does the majority party in the country sometimes fail to secure a majority of the representatives, but small minor parties are almost com-

[1] *Cf.* John R. Commons: Proportional Representation, 2d edit., 1907; also, John H. Humphreys: Proportional Representation, 1911.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

pletely deprived of representation, as, for example, the Prohibitionists. The tendency under the system of plurality elections toward the establishment of the two-party system is, therefore, almost irresistible. It is only through bi-partisan politics that the will of the majority under such a system is even tolerably likely to prevail.

In Italy the existence of the second ballot removes the necessity for the practice of bi-partisan political methods at the first. The consequence is the subdivision of parties into smaller and more natural groups. The strength of these groups is indicated by the popular vote at the first ballots in 1909 and 1904. The comparative representation of the groups in the Chamber of Deputies elected in those years is shown in the following table[2]:

	1909			
	Vote at First Ballot	Per Cent.	Seats Finally Won	Per Cent.
Ministeriali	995,250	54.6	336	66.2
Cost. di op.	149,242	8.1	46	9.1
Cattolici	73,015	4.0	16	3.1
Radicali	181,242	9.9	45	8.8
Repubblicani	81,461	4.4	24	4.7
Socialisti	347,615	19.0	41	8.1
	1,827,825	100.0	508	100.0
	1904			
Ministeriali	777,345	50.9	339	66.7
Cost. di op.	212,584	13.9	76	15.0
Cattolici	8,008	0.5	3	0.6
Radicali	128,002	8.4	37	7.3
Repubblicani	75,225	4.9	24	4.7
Socialisti	326,016	21.4	29	5.7
	1,527,180	100.0	508	100.0

[2] Taken from *L'Italia Economica*, Anno II, 1908.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The results of the second ballot do not constitute an accurate representation of the electorate. Since the second ballot does not materially alter the results of the first, the results of the first ballot must be similarly misrepresentative. It apparently follows that the second ballot, considered as an electoral device for securing a more accurate parliamentary representation of different groups of the Italian voters, cannot be condoned as merely superfluous, but must be condemned as positively ineffective. This conclusion, however, may be questioned on three grounds. First, the evidence is inadequate, since it is based on the study of only three elections. It may be that an examination of the returns for all the thirteen elections that have occurred since 1870 would yield a different conclusion. Secondly, even if such should not be the case, the foregoing conclusion may be of no general value, since political conditions in Italy are peculiar. Thirdly, although no directly beneficial effect of the second ballot is apparent, there may be indirect effects upon the representation of the electorate of distinct value. It therefore becomes necessary to study the operation of the second ballot over a longer period of time and under different political conditions.

Such a field of study exists in the returns of elections to the German Reichstag. Since the establishment of the Empire in 1871, twelve general elections have been held. The second ballot has been taken, as in Italy, a short interval after the first in all districts in which no candidate at the first ballot has received a majority of votes, and the two leading candidates at the first ballot have been the only candidates who might be lawfully voted for at the second. On the other hand, universal manhood suffrage exists in Germany as in the United States, instead of a restricted franchise as in Italy, and the general political situation in Germany is sufficiently unlike that in Italy to warrant the presumption, that if the system of the *ballottaggio* produces the same or similar effects in both countries, it would be likely to produce similar effects in other countries, for instance, in the United States.

German imperial election returns are fortunately so made as

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

greatly to facilitate a study of the effects of the second ballot.[1] At the general election of 1871 there were 382 seats in the Reichstag to be filled; in the eleven succeeding general elections there have been 397 seats. In the greater number of electoral districts at all of these general elections some candidate received a majority of votes at the first ballot, and was declared elected forthwith. During the last twenty years the number of districts in which second ballots have been necessary to choose between the two leading candidates at the first has been as follows: 1890, 138; 1893, 181; 1898, 185; 1903, 180; and 1907, 158. Upon the average, a second ballot has been necessary in 168 of the 397 districts, indicating a greater scattering of votes at the first ballot than during recent years in Italy. In 1907, in 96 out of the 158 districts in which second ballots were taken, the candidate with the greatest number of votes at the first ballot was finally elected at the second. In general, it is probable that at approximately sixty per cent. of the second ballots the victorious candidate is the same as the candidate with a plurality at the first ballot. Hence, at approximately forty per cent. of the second ballots, the result is different from what it would have been, had no second ballot been taken. Clearly, the holding of the second ballot is of consequence to a considerable number of individual candidates. To determine whether it is of importance through its effects upon the representation of parties, however, it is necessary to examine the influence of the second ballot upon the relative position of parties, as established by the first ballot.

This examination may be made in the following manner. First, we may compute the percentage of the total popular vote cast for all the candidates of each party. Second, we may compute the percentage of the total number of districts in which the candidates of each party received a majority or plurality of votes

[1] Elections of 1871, 1874, 1877, 1878, and 1881: Statistik des Deutschen Reichs, I° Reihe, B'd 8, S. II, 73; B'd 14, S. V, 1; B'd 37, S. VI, 1; B'd 37, S. VI, 40, 70; B'd 53, S. III, 1. Elections of 1884, 1887, 1890: Monatshefte zur Stat. d. D. R., 1885, S. I, 105; 1887, S. IV, 1; 1890, S. IV, 23. Elections of 1893, 1898, 1903, 1907: Vierteljahreshefte zur Stat. d. D. R., 1893, IV; 1899, I; 1903, III, IV; 1904, I; 1907, III.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

at the first ballot. Third, we may compute the percentage of the total number of seats which the candidates of each party finally secured after second ballots had been taken in all districts in which no candidate received a majority of votes at the first ballot. By a comparison of these three figures for all parties throughout the entire series of general elections we can ascertain precisely what has been the effect of the second ballot upon the representation of the German electorate in the Reichstag.

During the entire series of twelve general elections, the Conservatives have been over-represented at the first ballot ten times and under-represented twice. Their representation has been unchanged by the second ballot twice, and has been reduced ten times. The Free Conservatives have been over-represented at the first ballot eleven times, and under-represented once. Their representation has been unchanged by the second ballot thrice, has been increased thrice, and reduced six times. The National Liberals have been over-represented at the first ballot six times, and under-represented six times. Their representation has been increased by the second ballot seven times, and reduced five times. The Progressives and various groups of Radicals (considered collectively, since they rarely run candidates against one another) have been over-represented at the first ballot four times, and under-represented eight times. Their representation has been increased by the second ballot twelve times, and has never been reduced. The Catholics (Center party) have been over-represented at the first ballot nine times, and under-represented thrice. Their representation has been increased by the second ballot five times, and reduced seven times. The Social Democrats have never been over-represented at the first ballot, but have been under-represented twelve times. Their representation has been increased by the second ballot once, and has been reduced eleven times. The Poles, Danes, and Alsatians have been over-represented at the first ballot nine times, and under-represented thrice. Their representation has been unchanged by the second ballot thrice, has been increased thrice, and reduced six times. Miscellaneous groups and the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

supporters of independent candidates have never been over-represented at the first ballot. Their representation has been unchanged by the second ballot thrice, and has been increased five times. At four elections there were no miscellaneous groups and no independent candidate was elected.

The effect of the second ballot upon the representation of the electorate as a whole is rather obscure. Certain parties have apparently gained by it, and others have apparently lost, but whether the representation of all the groups taken collectively is more or less accurate, is not immediately apparent. During the entire series of elections, there were altogether forty-nine instances in which a party secured a more than proportionate share of the leading candidates at the first ballot, and thirty-five instances in which a party secured less than its proportionate share. In eight instances over-representation was not altered by the the second ballot, in eighteen it was increased, and in twenty-three it was reduced. Under-representation was exaggerated by the second ballot in twenty-two instances, and partially corrected in thirteen instances. On the whole, the effect of the second ballot was to produce a more accurate representation of the electorate in thirty-six instances, and a less accurate representation in forty instances. The number of instances, however, in which changes for the better or worse were produced by the second ballot is not a satisfactory indication of its influence, since there is no allowance for differences in the magnitude of different changes. We must conclude, therefore, that only through a study of its effect upon the representation of the several parties can we reach any verdict as to its significance in the German representative system.

For example, the following tables, based upon the official returns for the last two elections, show the votes cast, the number of districts in which the party candidates led at the first ballot, and the number of seats finally secured by the operation of the second ballot, for the five leading groups in contemporary German politics:

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

GERMAN GENERAL ELECTION, 1907.

PARTIES.	VOTES.	RESULTS AT FIRST BALLOT.	RESULTS AT SECOND BALLOT.
Conservatives	1,532,072(13.6%)	91(22.9%)	84(21.2%)
National Liberals	1,630,581(14.5%)	47(11.8%)	54(13.6%)
Center Party	2,179,743(19.3%)	101(25.4%)	105(26.4%)
Radical Parties	1,233,933(10.9%)	30(7.6%)	49(12.3%)
Social Democrats	3 259,029(28.9%)	73(18.4%)	43(10.8%)

GERMAN GENERAL ELECTION, 1903.

PARTIES.	VOTES.	RESULTS AT FIRST BALLOT.	RESULTS AT SECOND BALLOT.
Conservatives	1,281,852(13.5%)	79(19.9%)	75(18.9%)
National Liberals	1,317,401(13.9%)	32(8.1%)	51(12.8%)
Center Party	1,875,273(19.7%)	104(26.2%)	100(25.2%)
Radical Parties	872,653(9.2%)	11(2.8%)	36(9.1%)
Social Democrats	3,010,771(31.7%)	122(30.7%)	81(20.4%)

The operation of the second ballot at the twelve general elections since the establishment of the Empire, generally speaking, appears to have favored the so-called National Liberal, Progressive and Radical parties. The Catholic party (Zentrum) and the Particularists (Alsatians, Danes and Poles) have not been greatly affected by the second ballot, so far, at least, as its direct effects are concerned. The Conservatives and Social Democrats, on the other hand, have lost, the latter very heavily. There are several minor groups in German politics, such as the Anti-Semites, the Agriculturists' Association (Bund der Landwirte) and the Association of Bavarian Peasants (Bayrischer Bauernbund), which have secured a few seats in the Reichstag at recent general elections. These groups have usually fared rather well under the operation of the second ballot.

One effect of the second ballot, it is often stated, is to foster the independent existence of minor groups. This statement is correct, as tested by German experience. The Alsatians, Danes or Poles, could doubtless safely dispense with the second ballot, since their strength is concentrated in certain localities. So also

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

could the Hanoverian Welfs, and the Wurtemberg or Bavarian peasants secure representation after their kind without the second ballot. But the Anti-Semites and the members of the *Bund der Landwirte* are more scattered, and would be unlikely to run independent tickets, except for propagandist purposes like the American Prohibitionists, unless they could count upon the subdivision of the votes of their opponents. Moreover, there are the various groups of Conservatives, Moderate Conservatives, Liberals, Progressives, Radicals and Socialistic Radicals (to render the German party names into American equivalents), all of which have co-operated from time to time more or less willingly in support of a common policy in the Reichstag. Their continued existence under separate organizations must be due to some extent, at any rate, to the fact that the running of separate candidates at the first ballot in competition with one another is less likely to give the final victory to a candidate not affiliated with the allied forces than would be the case, if there were to be no subsequent opportunity for a second choice. Nevertheless, the use of the second ballot affords only a partial explanation of the subdivision of German parties.

The subdivision of parties in Germany is due also to the existence within the Empire of groups of voters not yet reconciled to the fact of Empire, such as the Poles, and of groups not yet reconciled to the form of Empire, such as the Social Democrats, and of groups not yet reconciled to the religious policy of the Empire, such as the mass of the Catholics. So long as these groups remain irreconcilable, they will maintain their separate political organizations for propagandist purposes, regardless of immediate political consequences. Among that portion of the electorate which is loyal to the Empire and to its religious policy, there are differences upon economic issues, such as are raised by the somewhat conflicting interests of German agriculture, industry and commerce. If the stability of United Germany, or the maintenance of the Empire, or the preservation of the established relations between church and state, depended upon the union of the groups which agree in favoring these supremely important policies, they would cer-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tainly lay aside their subordinate differences. These supremely important policies, however, are the official policies of the administration, and the administration in Germany is not dependent upon the support of the Reichstag. The Imperial Chancellor will maintain German unity and the government of the Emperor and the supremacy of the Lutheran religion, regardless of the play of faction among the representatives of the people, for the majority of the German people desire these things. If the active head of the administration were elected directly by the people, as in the United States, or indirectly, as in Italy, the dominant issue would become the maintenance of the established order, and the majority of the people would insist upon the subordination of minor issues. For the purpose of supporting a common administration a sufficient number of groups to constitute a German imperial and protestant majority would be forced to coalesce. But under the existing form of government, such a combination of groups is unnecessary[1], and the first ballot may be safely employed as a sort of nominating system, by which the dominant faction of the united empire loyalists, so to speak, in each district, selects a candidate to its taste, to run against the candidate of the faction next in importance in the district or against an irreconcilable, if necessary, at the second ballot.

The chief effect of the system of first and second ballots is not to give separate representation to special and local interests and to different factions within the leading parties. It is notorious that this is accomplished in fact, if not in name, under a system of plurality elections such as has long existed in the United States. Much less is the effect to give proportional representation to groups. In Germany, the Social Democrats are most in need of relief from the iniquities of the first ballot, and suffer most from the operation of the second. The Conservatives, who apparently receive a deserved reduction of representation at the second ballot, in reality also suffer severely. In their case it is an instance, however, of two wrongs conspiring to make one right. The German Empire was originally divided into equal

[1] *Cf.* W. J. Shepard, *Tendencies Toward Ministerial Responsibility in Germany.* The Am. Pol. Sci. Rev., Vol. V, No. 1 (Feb., 1911); pp. 57–69.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

electoral districts on a basis of one representative for each 100,000 inhabitants, but no redistricting has been done since 1870. The result is that the districts today are very unequal in size. Berlin has yet only six seats, although its population now exceeds two million, and Hamburg retains its three original seats, although its population has increased nearly three-fold. On the other hand, many rural districts, especially in the provinces of East and West Prussia and Pomerania, have remained stationary or actually declined in population. Now the main strength of the Social Democracy lies in the great cities, and that of the Conservatives in the rural provinces along the Baltic. Hence, it takes more than the average number of voters to elect a Social-Democrat, and less than the average number to elect a Conservative. The operation of the second ballot intensifies the evils of obsolete districting in the case of the former, and mitigates them in the case of the latter; but in both cases alike it operates against the interests of the party.

These two parties, however, are the two extreme parties in German politics. The most moderate party according to European party nomenclature is the Center, and in fact the Center party in its social composition is as broad as the Catholic Church and includes all classes within its ranks. It has always pursued a moderate policy with regard to most matters, and since the abandonment of its irreconcilable attitude towards the government of the empire it has become to all intents a genuine moderate party. So, too, are the various Liberal, Progressive and Radical groups, distinctly moderate, despite the names of some of them, at any rate as compared with their Conservative and Socialist opponents. They are also the parties which have profited most by the second ballot. In short, the chief effect of the second ballot in Germany has not been to give more equitable representation to minorities, but to favor the moderate groups at the expense of the extreme groups. It has also facilitated political manœuvering on the part of various groups for the purpose of defeating other groups. In this connection an examination of the results of the successive general elections

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sheds a deal of light upon German party history since the formation of the Empire.

In 1874 and to a less extent in 1877 the chief object of attack on the part of the main supporters of the Bismarckian régime (the Conservatives and Liberals) was the party of the Catholic Church. By the end of the decade, however, Bismarck had shifted his ground, being abandoned by many of the Liberals and forced to rely upon the Center to supplement the support of the Conservatives. The election returns illustrate this change very clearly, the National Liberals and Center changing places between 1878 and 1881, both as moderate element in the government majority and as chief beneficiary of the operation of the second ballot. The Alsatians, and especially the Poles, who are generally in line with the Catholic party, shared in the prosperity of the latter. The election of 1878 was peculiar, representing a passionate campaign of the parties of law and order against the Social Democracy, in whose ruin the Radical parties generally shared. All this is clearly shown in the election returns, the objects of the combined attack being greatly under-represented. The same thing happened again in 1887 and 1907. By the latter date, however, the Social Democracy had absorbed most of the genuine Radicals, and the so-called Radical parties had become moderate in all but name and shared in the benefits which the second ballot appears to bring to moderate parties.

In 1881, 1890 and 1903, there were reactions against the Imperial government and the groups supporting it. These were the Conservatives, Center and, in part, the Liberals, in 1881 and 1903, and the Conservatives and Liberals in 1890. The effect was to shift the center of political gravity to the left, to use the language of European politicans, and to give to the Progressives and Radicals in the two earlier instances, and to the Social Democrats in the later, the benefit of the natural inclination of mankind to choose the lesser of two evils, when one's first choice has been eliminated. These changes in the positions of parties are in each case faithfully indicated by a plotting of the curves recording the effect of the second ballot. The elections of 1884,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

1893 and 1898, were not signalized by any general campaign agreements between particular groups, and since no extreme parties were marked out for special attack, no moderate parties were exceptional gainers. In general, however, the second ballot system facilitated the selection of the most available candidates by sympathetic groups for the purpose of defeating the candidates of objectionable groups. In short, it partly performed the function of a nominating system.

The effect of the second ballot in Italy, so far as it had any apparent effect, was, likewise, to facilitate the concentration of the majority of the voters upon the most available candidates. Thus the second ballot in both countries promotes the concentration of votes upon the more moderate candidates. This process involves compromise between sympathetic groups, and hence operates to the disadvantage of uncompromising groups. The second ballot, therefore, is not a device for securing proportional representation, but a device for securing majority representation. By its use, groups of voters, whose first choice fails to qualify at the first ballot, receive a subsequent opportunity to express a second choice. It is, in fact, a mode of preferential voting, which at best can accomplish nothing that cannot equally well be accomplished at a single election. It is subject to serious disadvantages, however, to which modes of preferential voting requiring but a single election are not subject. It is more expensive to the state, more laborious to the voter, more exhausting to the candidate, more demoralizing to the party, and more disturbing to the public peace.

It is not surprising, therefore, that there should be much dissatisfaction with the operation of the second ballot on the Continent of Europe. In both Italy and France the system has never been regarded as beyond the stage of experiment, and in the latter country a majority of the deputies elected to the present parliament are pledged to its abolition and the substitution of some form of proportional representation. This substitution has already been made in Belgium and Sweden, and in several of the states of the Austrian and German Empires, notably Wurtemberg, as well as in several of the cantons of Switzerland.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In Swiss federal elections, the second ballot exists in a different form from that in other Continental countries. If no candidate receives a majority of votes at the first ballot, any candidate, and not simply the two highest, may be voted for at the second, and the candidate receiving a plurality is declared elected. This system, which exists also in Norway, corresponds almost exactly to the American open primary followed by the general election, except that in Switzerland and Norway, if any candidate receives a majority over all others at the first ballot, the formality of the second is dispensed with. This system does not facilitate the concentration of votes upon moderate candidates to the same extent as the more usual Continental system, but it offers rather less encouragement to minor parties, and increases the opportunities for the trading of votes and other pernicious election activities. The system has been tolerable in Swiss federal elections because party organizations are of less consequence in Switzerland, where important matters are decided directly by the electorate, than in other countries with representative institutions. Yet the minor parties advocate its abolition, and in several of the cantons, where from local causes party divisions have been sharply accentuated, it has already given way to a system of proportional representation. Proportional representation cannot conveniently be introduced into Swiss federal elections because it involves the substitution of multi-member for single-member districts, and several of the cantons elect only a single member each. Proportional representation has been introduced into the electoral system of the new South African Union, and proportional representation or preferential voting into several of the states of the Australian Commonwealth. In England, a royal commission on systems of election reported in 1910 (*Cd.* 516, p. 37) against the taking of a second ballot in any form and in favor of preferential voting.

In the United States, there is no argument in favor of the abolition of the party test in the primary election which cannot be advanced with greater force in favor of the abolition of the official primary altogether and the introduction of preferential voting into the general election. A system of preferential voting

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

at the general election would perform simultaneously the function of a nominating system. It would render an official primary superfluous without in any respect restricting the opportunity for the expression of the will of the people. Whether under certain circumstances some form of proportional representation would not be more suitable is a question that ought to be inquired into. At all events it is certain that the direct primary as an official nominating system cannot be expected to give permanent satisfaction, and must be regarded merely as a temporary make-shift until some more rational substitute can be agreed upon for our discredited system of plurality elections.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

SPANISH INTERESTS IN MOROCCO

GEORGE FREDERICK ANDREWS

Membre de L'Institut de Carthage

Since the Middle Ages Spain has been continuously established within the boundaries of Morocco, and at the present time Spain is the only foreign power possessing a foothold on Moroccan soil. The three island presidios, Penon de Velez de Gomera, the Alhucemas, and the Zaffarines, lying off the coast, and the two cities, Melilla and Ceuta, clinging with desperation to the mainland, comprise the Spanish possessions.

Ceuta is by far the most important of these possessions. The fortress is built on a headland extending into the sea toward the east. On the west only, can it be approached by land. As at Melilla, a strip of neutral territory separates the walls of the city from what may be called by courtesy, Makhzen territory, although actually Ceuta, like Melilla, is shut in on the land side by the independent tribes of the mountains. Ceuta has a population of about 14,000, its commerce is unimportant as yet, but there are possibilities of very considerable increase. From Tangier, thirty miles to the west, and from Tetuan, about twenty-five miles to the south, the roads are difficult and dangerous, and there is little communication. Ceuta is kept in touch with Spain by a boat service which makes the trip to Algeciras and return each day. It is a typical Spanish town and there is little in its streets or its buildings to suggest that it lies on the south side of the strait. To enter the city one must have a passport, or papers of identification and a special permit must be obtained from the governor, if one wishes to remain more than twenty-four hours.

One hundred and thirty-five miles to the east of Ceuta is Melilla. In 1908 it consisted of a gloomy prison-fortress and a discouraged, dismal, civil quarter, with a population of per-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

haps six or seven thousand. Melilla is a natural market and shipping port for goods from the south by way of Tafilelt and Oudjda, but the French railway line (to Colomb Bechar) is within easy reach of the caravan route and has taken the trade to Oran. In the neutral zone just outside the gate of Melilla is a Moroccan customs house, which is maintained by agreement with the Spanish authorities. The mutual hatred of the Moroccans and the Spanish has greatly interfered with the development of trade both at Ceuta and at Melilla. Of all the European powers the Spanish are the most hated by the Moroccans. For ages it has been the special diversion of the Rifains to pick off, from the hills about the city, any Spaniard who strayed outside the walls.

About 1885 Melilla was enjoying a period of considerable prosperity. The Spanish governor was far-sighted and conciliatory in his attitude toward the neighboring tribes, and earnest in his endeavors to build up the commerce of the port. The population of Melilla was growing rapidly and the city had a good prospect of becoming an important trade center. In the nineties things were not looking as well and they grew worse. The loss of trade to France and the renewal of troubles with the natives brought on a period of stagnation and the civil population drifted away. In 1909 the convicts were removed and Melilla ceased to be one of the presidios. This will make the city a more desirable place of residence and will attract a better class of colonists. Under the direction of a competent governor Melilla may again look forward to better times.

The three presidios, Penon de Velez de Gomera, the Alhucemas, and the Zaffarines, are little more than prison settlements. Their only connection with the world is by a weekly boat from Melilla which must keep them supplied with water as well as food.

Penon de Velez is situated in the bay of Badis, eighty miles west of Melilla at the mouth of the Oued Talambadis. Formerly there was a Spanish settlement on the mainland opposite the island, but that is now a ruin. There is a settlement of about five hundred inhabitants, many of them ex-convicts, besides a

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

garrison of perhaps four hundred soldiers and nearly as many prisoners.

Twenty-seven miles east of Penon de Velez, in the bay of Nekour, is the presidio of Alhucemas. The conditions here are practically the same as at Penon de Velez de Gomera except that the whole population, civilians, soldiers and convicts, does not number five hundred.

Twenty-seven miles east of Melilla, opposite the mouth of the Oued Moulouia, are the three Zaffarine islands. The convict settlement is on the middle and largest island, the island of Isabelle II. The coast here is very dangerous and a lighthouse is maintained on this island. These islands were occupied by Spain in June, 1848, only just before a French expedition arrived for the same purpose. Conditions of life at the Zaffarines are as miserable as at the other islands. Nevertheless, the islands have a real value. There is good anchorage and an army could easily be landed at the mouth of the Oued Moulouia. It seems likely that eventually the Oued Moulouia will form the boundary between the French and Spanish spheres of influence in northern Morocco, and in that case the Zaffarine islands would have a decided strategic importance. On the coast opposite the islands are the Kebdana and Trifa tribes which occupy the land between the eastern extremity of the Rif proper and Algeria. They are berber tribes arabised from constant contact with the nomad Arabs from the south. They belong to the Angad group. Both tribes are extremely hostile to the Spanish. The Kebdana have a settlement opposite the islands and their principal occupation is preventing the Spaniards from landing. The Trifa have a town called Bordj Saidia on the edge of the sea just west of the Algerian frontier, where is the residence of the Kaid having jurisdiction over several of these tribes.

Spain has also another concession of land in Morocco, but the concession seems to have been a jest on the part of the Makhzen at the expense of Spain. Somewhere on the southwestern coast of Spain in, or near, the province of Es-Sous, Spain had, at one time, held a fishing station known as Santa Cruz de Mar Pequena, but the village has been destroyed and the site lost.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

At the close of the war of 1860 between Spain and Morocco, Morocco agreed to cede to Spain this same fishing station, but as the Spanish themselves have never been able to locate the place, and as Morocco has steadfastly declined to cede another location in place of it, Spain is still hunting for its lost Santa Cruz de Mar Pequena.

Spain holds also the province of Rio del Ora, which is outside the limits of Morocco, but must be considered in this connection. Rio del Ora extends on the Atlantic from Cape Blanco to the southern limit of Morocco, south of Cape Juby. This territory is of no great value in itself, and the important oases to the east of it are all held by France. Nevertheless, the possession of Rio del Ora is likely to secure to Spain, in any final settlement of the Moroccan question, the control of the Oued Nun and of Moroccan territory north as far as the province of Es-Sous. This would be logical as the mountains to the south of Es-Sous form a natural boundary. How great would be the economic value of the province of the Oued Nun is problematical, but at any rate it would be worth something to Spain and almost nothing to France.

We hear much of the historic rights of Spain in Morocco, but these may safely be disregarded, as not even Spanish statesmen take them seriously. The Spanish claims for special consideration rest on something more substantial then such a shadowy basis. The possession of actual colonies in Morocco, the proximity of Morocco to the Spanish coast and the fact that the European population of Morocco is principally Spanish (there are five thousand Spanish in Tangier alone; and six thousand more in the other open ports, besides twenty or twenty-five thousand in the colonies), gives to Spain rights which cannot be gainsaid. With a Spanish city at Ceuta and another at Melilla Spain could hardly be expected to acquiesce in the control of the Rif passing to another European power.

The loss of her colonies was a severe blow to Spanish pride and prestige, but that very loss has made it possible for the new Spain, of these later years, to turn her attention and devote surplus energy to colonial enterprises nearer home which prom-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ise greater returns politically and economically. The Spanish government has seen in Morocco a neglected opportunity and they are endeavoring, somewhat late in the day, to secure, if not a dominant position, at least one commensurate with Spanish interests and with the privileged position which Spain occupies. Spain must go forward with the Moroccan adventure. The result of the war with the United States only made this more plain. In 1899 the *Epoca* said: "It is necessary to insist upon this fact that there is an immense difference between our colonies in Oceanica and our possessions in Africa. If, in the case of the former, our mission may be considered as ended with the loss of the Philippines, the mission of Spain in Africa is not ended and cannot be ended, although our present weakness makes it necessary for us to pause to reorganize and to concentrate our strength."

At this time it was England that was causing Spain the most anxiety in Morocco. When in 1900 it was reported that active intervention in Morocco on the part of England had only been prevented by a statement of Ribot, the French premier, to Lord Salisbury, that if a British soldier was landed in Morocco a French army corps would cross the frontier, the report was readily believed and caused considerable excitement. Even the highly improbable story that England was to acquire from Spain the elusive concession of Santa Cruz de Mar Pequena, was the subject of explicit denial by the premier, Silvela, in the Cortes. To Spain, as to France, it looked very much as though England was like the dog in the manger. It was not probable that England had any idea of a future conquest of the country. The chief aim of England was to prevent the fortification of the heights opposite Gibraltar by another power and the surest way to prevent this seemed to be by keeping the other powers out. In 1902, when England was manœuvring to hold, and France to gain the ascendency in Morocco, Julian Ribero, in an interesting summary of the situation, pointed out that Spain could not longer remain in the background if she wished to have a hand in the final settlement of the Moroccan question. According to Ribero the question was whether Spain should come to terms

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

with England or with France, and he decided that Spanish interests lay with France. His views are the more interesting because Silvela, at that time at the head of the government, expressed opinions strongly in favor of joint action with France.

Ribero said: "The friendship of that nation (France) is most useful to us at home and abroad. The question of Morocco cannot be settled without her assent. Even if by a fortunate chance the conquest proved easy, no one could conquer or hold the country without the friendship of France, who holds in her hands the Moroccan frontier on the side of Algiers, natural base of operations, offensive and defensive, a source of moral influence of great force."

The following statement of Ribero is so much to the point and has so much bearing on the French case, as well as on that of Spain, that I quote it in its entirety:

"At the present time in all that concerns the question of Morocco, the enormous inferiority of our resources, compared with those of France, place us under the obligation of submitting entirely to her, in order to obtain a lasting success. One must not forget that the qualities necessary for becoming master of a country by force are very different from those which are necessary for holding it in time of peace, and of organizing the possession; if one has not these last it is not worth while to undertake a war of conquest. Even if we were successful in our military operations, we would find ourselves at the end under the necessity of having recourse to the assistance of France which would place us in the position of living at her mercy. France would bring to us the Jewish synagogues, which she protects now with friendliness: we have an aversion because of our character and of our traditions, for such friendship, however useful in such a case. France would bring also with her the Shereef of Ouazzan and other powerful families who, upon her sole recommendation, would become our friends: we have completely neglected the friendship of the Moors, or rather, we have not known how to gain it, whatever those may say who pride themselves with having intimate relations with the great dignitaries of that empire. France would bring also the mussulmans of Algeria, those who

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

know well the law and the customs of Morocco, they having studied at the University of Fez: we know neither the law nor the customs of the country. Last of all the French, by their character and their education which results from their liberal institutions and from their commerce with the Algerians, know how to be very tolerant with the Moors, while we Spanish would never know how we ought to treat them. Under these conditions, to what ought we to commit ourselves? It follows from all this that, if the conflict was to come at once, it would be better to withdraw. We have been unable to hold together a colonial empire where the Spanish race was dominant: we have brought about by our imprudence the loss of our colonies and by our rashness a disastrous foreign war. How, then, should we hurl ourselves alone in quest of adventures against a people strong and unconquered, in view of the feelings which our actions would arouse in the greater part of the European powers. Ought we then to renounce all this? That is another matter. The status quo, like the conquest, demands on our part, long preparation. In either case the same conditions are necessary. It is this thought that should be the object of our constant preoccupation."

Since 1902 Spain has increased in wealth at home and in dignity abroad. Alphonso XIII is young in years but he has an old head. He has shown statesmanlike qualities which were not expected and which have won the respect of diplomatic circles. He is the hardest working man in Spain, and he is making his work count. It is only just to say that he, and not his ministers, is directing the policy of Spain at home and abroad. That he is ambitious, goes without saying, but it is the ambition of a patriot who is working for the welfare of his people. Morocco is the natural field for Spanish colonial activity and expansion and it is not likely that Spain will overlook any opportunity to get all that is possible out of Morocco. In the final settlement with France the minister of Alphonso XIII may be expected to play his cards well.

Before 1904 the Liberal leaders in Spain were inclined to be opposed to joint action with France in Morocco, while the Con-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

servative leaders generally favored it. The Conservative Silvela, who was president of the council for the last time in 1902, believed that Spain must work with France, and his political successor, Maura, who was at the head of the cabinet in 1904 and again from January, 1907, to October, 1909, was strongly of this opinion. The Franco-Spanish accord of October 6, 1904, was negotiated with the Maura (Conservative) cabinet, while at the conference at Algeciras, which was the outcome of the Franco-Spanish accords, the Moret ministry (Liberal) unobtrusively but steadfastly supported France against Germany on every test vote.

The Franco-Spanish accord was not received in 1904 with great acclaim in Spain outside of conservative circles. It was felt that the future of Spain in Morocco had been largely sacrificed under pressure from England and France. By 1906 sentiment had considerably changed and there was a general belief that the secret clauses of the 1904 accord amply guaranteed Spain. As a Spanish statesman recently said in the Cortes, in connection with events about Melilla, the views expressed in irresponsible newspapers cannot be accepted as representing the policy of the government or the opinion of the people. In view of the wild attacks on France and England, in some of the Spanish papers, it should be noted that on the eve of the conference of Algeciras, the foreign policy of the leaders of the two chief parties in the Cortes was very much in agreement.

The *Heraldo*, the official organ of the Liberal party, at that time in power, published an article over the signature of Adolfo Galzado in which he said:—"Spanish opinion ought to be unanimous without reservations. In upholding France she defends her own interests, guaranteed by the convention of October 6, 1904. It is not a secret from anyone that that convention respected and recognized our historic rights.

"From another side, anarchy in Morocco constitutes a permanent peril for us. It was natural that France, a mussulman nation in Africa, because she has in Algeria six millions of mussulman subjects, was obliged to defend her very extensive frontier so as not to lose the millions involved in the Moroccan debt and in commerce.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"From whichever side we look at it our heart is with France; and in the present case, our head also is with France and England."

I quote the following passages from the *Epoca* of January 10, 1906, six days before the conference opened: . . . "We ought to work in union with England and France to make effective these indisputable agreements; and if, through the attitude of nations who have only slight interests and almost no claims in Morocco we should not succeed, we ought to endeavor firmly to maintain the status quo and to prevent the realization, to our disadvantage of the projects of the inter-nationalization of Morocco, cherished by certain Powers." . . . "in the diplomatic quarrel which is going forward between the two giants, England and Germany, for the world supremacy, we cannot, or rather, we ought not to remain indifferent. Spain might have some doubt if it were a question of deciding between France and England in this dispute, but Providence, which consents from time to time to have pity on the Spaniards, has arranged that these two nations should be united today by firm ties, that neither the fall of Delcasse nor that of Lansdowne, were able to break or loosen. It is with them that Spain ought to unite, not in search of ill-considered adventures either African or European, but simply for the defense of her incontestable rights and of her natural frontiers. Rarely has Fortune knocked so loudly at our doors and it would be a criminal clumsiness not to let her enter our house except by some crack in the wall."

There is no reason to doubt that there were certain secret clauses in the Franco-Spanish convention of October 6, 1904. But we can only infer what was covered by those clauses.

In the number of the *Wiener Allgemeine Zeitung* of July 30, 1910, there was published what purported to be the substance of these clauses. As given by the *Zeitung* these articles are as follows:

"*Article I.* France and Spain mutually guarantee their possessions in North Africa.

"*Article II.* France and Spain are in agreement in limiting their economic interests in Morocco and at Fez.

"*Article III.* In case the Spanish military forces are not able

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to defend their possessions, comprised between the frontier about Ceuta and that about Melilla, France agrees to lend to Spain armed assistance.

"*Article IV.* If Spain should desire to cede, sell or lease, partially or totally, her possessions in Morocco to any other power or to Morocco, she agrees not to do so without the express sanction of France."

It is hardly probable that this statement is either wholly accurate or complete. It is quoted for what it is worth. Whatever the actual terms of the convention are, both the French and Spanish governments seem equally satisfied and equally confident that their respective rights have been protected.

It is true that the occupation of Oudjda by the French in March, 1907, was generally denounced by the Spanish press, including the liberal papers, although the *Epoca*, the Conservative organ, declared it justified. It is true also that the Maura government, from that time until the French landing at Casa blanca, in the August following, held aloof from joint action with France and did not at once join with France in preserving order in the Chaouia province. It is reasonable to suppose that Spain did not like to see French troops on Moroccan soil both in the east and in the west and was fearful of the outcome. It was quite possible that France would in some way gain a permanent advantage through this temporary occupation. Spain soon realized, however, that it was better policy, as well as necessary, to accept the assurance of the French government that France would not in any way exceed the rights and duties placed upon her under the terms of the Algeciras agreement, and to co-operate in subduing the revolting tribes. Since the troubles about Melilla began, Spain has been too much occupied with her own campaign against the Rifains to pay much attention to French activities.

The troubles in the vicinity of Melilla began in July, 1909, when some workmen employed on the railway line which connects Melilla with the mines of Beni-Bou-Ifrou, about thirteen miles in the interior, were killed by Rifains of the Guelaya district. General Marnia, in command at Melilla, at once took

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the field to punish the aggressors, but the disturbance grew rapidly and involved practically all the tribes in that part of the Rif, as well as the Kebdana tribes to the east.

Early in 1910 Spain had 50,000 troops operating in the neighborhood of Melilla. France took alarm and it required the most constant and positive assurances of the French cabinet and the most emphatic statements from the Spanish government, that Spain was not contemplating a war of conquest, to restore confidence in France. It was repeatedly asserted in the press that Spanish troops would move upon Taza and wrest from France the key to Fez and all northern Morocco. Even General d'Amade, who had just returned after a brilliant campaign in the Chaouia, so far forgot his position as to express opinions for which he was disciplined by the government. In an interview, published in the *Matin* of October 7, 1907, the general was quoted as follows: . . . "Look at the map: you will find a route which from our Oran frontier goes from Oudjda to Rabat by Taza and Fez. That route is accessible and will be known before long, by all travelers interested in the penetration of Morocco, as the natural road which it is of the first importance to secure. On that road Taza is the all-important point. And I add: If we do not take care, Taza may prove to be the Moroccan Fashoda. . . . Have the Spanish sent all these troops to Morocco for police duty about Melilla? I do not think so. Rather, I think that the first successes have produced in Spain an awakening of the military party and that the idea of conquest has seized upon their adventurous spirits. The King himself is personally interested in Morocco: he has been, some months ago, to Melilla to review the troops, and he has never concealed his wish to find in Morocco some compensation for the loss of the colonial empire of Spain. . . . In truth we ought to intervene with the least possible delay, if we wish to safeguard our interests, economic and political, in Africa."

In reply to questions regarding this remarkable statement of General d'Amade, M. Pichon, Minister of Foreign Affairs, gave an important interview to the press in which he said: . . . "Our rights are determined, very exactly, by treaty,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and especially by the accords Franco-Spanish of 1904 and 1905; these definitely assure to our sphere of influence a free access to the Atlantic. It is that question precisely which has provoked, it seems, absolutely unjustifiable alarms. Spain will not go to Taza, for we have no reason to think that, contrary to her declarations, she nourishes projects of conquest the realization of which would meet with grave opposition in the interior as well as exterior."

The Marquis de Segonzac, who knows the Rif country better than any other European, and is indeed the only European who has traveled very extensively through it, gave this very interesting contribution to the discussion: "The Spanish will not go to Taza, because the route to Fez for the Spanish would be more direct from Badis, a village opposite Penon de Velez. It is a direct and easy road and was formerly used by the Genoise in preference to the route from Tangier: and also because the route from Melilla to Taza would necessitate long and desperate fighting."

The Melilla campaign was brought to a successful conclusion and resulted in increasing the prestige of Spain in Morocco generally, and especially in the Rif. The episode was closed, for the time being, when, on November 16, 1910, Mohammed el Mokri signed at Madrid the convention between Spain and Morocco. Under the terms of this convention the authority of Spain was considerably increased in the parts of the Rif bordering on the Spanish possessions. The convention provided for the organization of a body of native police, instructed by Spanish officers and the withdrawal of the Spanish troops when the native police should be competent to insure tranquility and security. Morocco agreed to pay a heavy indemnity to Spain to cover actual damage, the cost of military operations, and the expense which Spain had incurred in removing, at the request of the Makhzen, a body of Moroccan troops from the vicinity of Melilla to Tangier, after their defeat by the Rogui, some time previous. Certain public works undertaken by Spain were to become the exclusive property of the Makhzen. The convention also provided for a special commission to settle the question of the fisheries.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Spain is taking a leaf from the French book on pacific penetration and is planning to increase the number of its schools, hospitals and dispensaries in Morocco. In 1908 there were thirteen Spanish schools, eleven of them under the control of the church. There are about eighty pupils in the two schools, one at Tangier and the other at El Ksar, established independently of the church. In the eleven schools of the church located at Tangier, Tituan, Larache, Rabat, Casa blanca, Mazagan, and Mogador, there are over eight hundred pupils,—nearly half are girls. In the summer of 1910 plans were completed and the contracts signed for a new school to be opened at Tangier under the patronage of the king, who is greatly interested in the project. A fund of sixty thousand dollars has been provided and it is the intention to make it a model of its kind.

The Spanish press in Morocco has done more to hurt than to help Spanish influence. There are indications now that the Spanish papers are learning that their mission is to assist in overcoming opposition to Spain, not to excite it. The daily *El-Porvenir*, published at Tangier, is planning to print some of its articles in Arabic. The *Marruecos*, published bi-monthly at Tangier, is devoted to political and geographical articles. At Ceuta, *El Defensor de Ceuta* appears once a week, and several other papers appear at irregular intervals. At Melilla there are the *Telegrama del Rif*, a daily, and *El Eco Rifeno* which is published three times a week.

Alphonso XIII appreciates the necessity of overcoming the aversion to Spain and of winning the confidence and the respect of the natives. It is unfortunate that the official representatives of Spain in Morroco have not, generally, been worthy of their positions, and that the Spanish settled in the country, have made themselves so generally obnoxious. These things can be remedied and his intention is to have them remedied.

If, as is probable, Spain sometime obtains control of northern Morocco east as far as the Moulouia and south as far as (but not controlling) the route from Oudjda to Fez, she will secure a territory of very considerable known, and greater prospective value. It is a prize well worth having, aside from its strategic importance.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NEW FORMS OF THE INITIATIVE AND REFERENDUM

S. GALE LOWRIE

University of Wisconsin

There is no aspect of contemporary politics more significant than the remarkable growth and extension of the movement for direct legislation in America. While various phases of the referendum, such as advisory voting, the adoption of constitutions and their amendments and of local charters and laws have been of common use since the colonial period, the unrestricted use of the initiative and referendum whereby the people are given unlimited control of machinery for the enactment of constitutional and statutory law, is a very recent development. Prior to the last decade it was scarcely looked upon as a permanent feature of our governmental system. It smacked of Populism and found its supporters chiefly among certain faddists who sought by this means to secure, at least in a limited degree, the adoption of their political nostrums.

But the problem of the referendum in America is no longer an academic one; for scarcely is there a state in the Union but must seriously consider the incorporation of this principle into its fundamental law. From its beginning in the single state of South Dakota, ten years has seen its spread through ten western commonwealths and the question of its adoption is now pending before the people in as many more states. Surely a growth so rapid, reaching through more than one third of the states and representing nearly one half our contiguous territory merits grave consideration not only of the primary question of its further extension, but a more searching investigation than it has customarily received respecting the form which it must assume to become a useful part of our governmental system.

There have been instances of democracies such as the Athenian

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Assembly, the folkmoot of the Teutons and the town meetings of New England, but the ingrafting of such an institution as the referendum upon a governmental system thoroughly republican and representative in its inception and development has hardly a prototype. Even Switzerland, the birthplace of the movement, furnishes scarcely a parallel and surely no demonstration of the practicality of the referendum for our use since here it exists as a continuation or at most an early reversion to a purer democracy while with us it becomes allied with political formations conceived in the light of an essentially different philosophy of government. Its success or failure in a territory smaller than New Hampshire and Vermont, and divided for its chief governmental purposes into cantons varying in size from one half the area of Connecticut to those but two thirds as large as a township, will scarcely prove its availability for areas so large and populous as our American states.

The referendum is a more simple institution than the initiative. It is in effect but a popular veto, a further course which bills must take before assuming the final status of law. There is scarcely a variation in its form; under its provisions measures passed by the legislature remain for a limited period subject to petitions which may place them before the voters for rejection. The initiative is more intricate. This is the instrument through which the people in their capacity of electors perform the functions of lawmaking. Swiss law provides two methods for the submission of initiative measures. Under the first, a bill is drafted by a group of citizens and if it bears the endorsement of 50,000 legal voters of the republic is presented to the federal assembly for passage. Such a bill must be enacted by the assembly or referred to the people. While an initiated measure is not subject to amendment in the assembly, that body may if it chooses, incorporate such changes as seem desirable in a separate bill. These two bills are then submitted to the people and opportunity is thus given of choosing between the measures. This is the plan which has been followed in Maine and South Dakota and in the resolution shortly to be submitted to the voters of Nevada; initiated measures must first go to the legis-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

lature and are only referred to the people in the event of their defeat before that body. Another form of the Swiss initiative embraces a plan whereby the initiators present to the Federal Assembly a project for legislation, imposing on that body the duty of framing a law in the sense indicated in the petition. This form has not been accepted in any state of the Union.

The most familiar plan is that embodied in the Oregon constitution by which the popular enactment of laws follows a course entirely independent of the legislature. Any measure for a law or an amendment to the constitution, accompanied by a proper petition, may be filed with the secretary of state and is by him submitted to the people for passage. It is this plan which has been followed closely in the states of Utah, Montana, Oklahoma, Missouri, Arkansas and Colorado and incorporated in constitutional amendments now pending in Nebraska, North Dakota, Washington and Wyoming. In California, a plan whereby measures may be enacted either through this method or the one first outlined has recently become a part of the constitution by a vote of the people.

It is the Oregon plan which has been subject to the most severe criticism and over which the most bitter controversies respecting the adaptability of the initiative to American needs have been waged. To this plan objection has been urged that it disregards almost wholly methods of procedure which years of legislative experience have shown indispensable to the enactment of satisfactory law. From the introduction of a bill in our American legislatures to its final passage, it undergoes many processes calculated to reveal its weaknesses; if these are fundamental, the measure must fail, if but incidental, it may be amended in such a manner as to make it a workable statute. Considerable progress has been made in recent years toward the betterment of processes for statutory construction. The growth of the legislative library movement, the installment of drafting departments, the revision of rules relative to committee hearings so as to further guarantee adequate consideration of measures and a proper report upon them, already give promise of a new era in representative government. The committee hearing is

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

invaluable. Through this process representation of the various interests and the many social groupings in the state is approximately reached. Those more directly affected by proposed laws may thus present arguments for or against their adoption and valuable information relating to the practicality and usefulness of contemplated legislation is thus made available. To this is added the debates on the floors of the legislature to which the proposed laws are further subjected. This process is not open to laws passed under the Oregon initiative. No step intervenes between the drafting of a measure and its final consideration. Once filed, a measure is subject to alteration by neither its friends nor enemies but must be voted upon by the people who settle its fate upon a direct "yes" or "no" vote. Little patience would be had with the suggestion that legislative procedure be limited to a vote upon measures, that no bills be referred to committees or debated upon the floor of the house, but that with the furnishing of members the text of measures and a review of such arguments as might appear in the public press, legislative consideration should end. If such a procedure would bring results satisfactory even to the legislature, hope might be entertained for the permanency of the Oregon system.

The Swiss plan first outlined obviates many difficulties. Here there is given opportunity for legislative hearings and publicity. Popular interest has been aroused in measures by the circulation of the initiative petition and it might be expected that the course of such measures through the legislature would be closely scrutinized. While no amendment may be made to an initiated measure, the right of submitting a competing bill to the people gives opportunity for the incorporation of such changes in a similar bill which fuller discussion may have proved necessary. Bills meeting with legislative approval are law without reference to the people who are thus relieved of the duty of passing judgment upon them. Obviously this method is conducive to the growth of a more acceptable form of law; but it, too, is lacking in elements necessary for effective legislative machinery. The plan of submitting two measures to the people

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

upon the same subject is unnecessarily cumbersome and tends to becloud the issue. While ample opportunity seems to be given for incorporating amendments in the substitute for the initiative bill, difficulty may well be expected from such a course. The initiated bill comes apparently with the endorsement of the people. "They have spoken" and "their will should be law." There is the further difficulty attendant upon conducting a protracted campaign. From the time the campaign for signers is begun until the final vote upon the measure is taken, over two years elapse and the question must be of great popular interest to maintain a prominent place before the people for so long a time. The method outlined in the second Swiss plan promises little as a prototype for an American initiative. It becomes little more than a public opinion law similar to those in use in Illinois and Texas resting for their effectiveness upon the good will of the legislature.

Such objections as have been raised are not, however, vital to the principle of the initiative. Scarcely would it compliment our statesmanship that the direct legislation movement has already covered nearly half our country, were there not basic principles at its heart. It is not, as has been charged, a movement for the overthrow of representative government. It is not a substitute for legislative action, but a means of controlling governmental agencies and making them serve their proper function. It must, therefore, be so constructed as to form with the legislature a channel for the enactment of law which will guarantee to the fullest extent personal liberty and equality of opportunity and at the same time be so in accord with our organic law and institutions that the law need be neither supplemented by the rulings of the administration nor reconstructed by the judiciary.

To the plans of the initiative outlined above, there is another method which has been adopted by the Wisconsin legislature and has been urged in Ohio and Massachusetts. This plan establishes the initiative as an adjunct of the legislature. Just as under the referendum, any law passed by the legislature may be brought before the people upon petition, so under this initia-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tive method, any measure which has been introduced in the legislature and failed of passage may be enacted by a vote of the people. Instead of circulating petitions to secure the consideration of measures, it is necessary but to find a representative who will introduce a bill in the legislature. This bill will be referred to an appropriate committee and opportunity will be given its friends and enemies to argue its merits and defects. It will be subject to amendment as any other measure and to debate and criticism in accordance with legislative rules. Should it be passed in a form satisfactory to those interested, no further action is necessary, but in the event of its defeat or its amendment in such a way as to deprive it of its usefulness, a petition of electors will place the measure, with any amendments desired by the petitioners, before the people. In this way the legislature acts as a co-laborer rather than as a competitor of the people. The legislature becomes a committee of the people serving for them the purpose of the committees of the legislature and as obedient to their commands. As a legislative committee reports to the senate or assembly, leaving those bodies free to follow or repudiate their recommendations, so the legislature acts for the people, testing the merits of proposals, weighing arguments and finally expressing judgment. What measures seem to have merit will be made law but may be rejected by the people through the referendum; those failing of passage remain subject to initiative petition and subsequent ratification by the people. In this form the initiative and referendum become means of expressing a lack of confidence. When the legislature stands ready to do the will of the people, recourse to direct legislation is unnecessary; should they fail, however, to embody in the form of law, principles demanded by the people, here is an institution through which the people themselves may perform that service.

But while this form of direct legislation escapes many dangers to which other methods are exposed, the mistake should not be made of relying upon it to convey and preserve efficient or even democratic government. Its merit lies in a recognition of the fact that, except in our smallest political divisions, law-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

making by the people must remain as an extraordinary channel for statutory enactment, usable when the regular course for some reason becomes obstructed, and in its capacity to adopt for its use valuable institutions which have developed around our form of representative government. Direct legislation in any form is but a tool of government and will produce desirable laws only in case it is properly used. In Oregon, a well-organized and patriotic body of citizens have been able to apply it for the enactment of progressive and constructive law and so long as its use remains in such control the initiative and referendum may be effective weapons of good government. But political history is replete with examples of institutions, democratic in their origin, which with the decline of popular interest become ready tools in the hands of the avaricious. The effective initiative must be one where the people are given an opportunity of putting in the form of law principles well understood and desired, but which furnishes little room for the politician and boss whose control of elective machinery is strong enough to secure the stamp of popular approval upon plans designed to further personal rather than public interests. It is for this reason the Wisconsin plan stands as a substantial contribution in the development of our political institutions. Based as it is upon a careful study of the actual workings of the agencies of our government, a recognition of the growing complexity of statute law and the need for careful and intelligent legislation, it promises to place in the hands of the people, acting as lawmakers, a "tool of democracy" not to guarantee good government, but to allow them to secure and maintain it for themselves.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NOTES ON CURRENT LEGISLATION

EDITED BY HORACE E. FLACK

Cold Storage. The last legislature of New Jersey enacted a law, approved by the governor in April, to take effect immediately, which makes it unlawful for cold storage warehouse owners or operators, or those engaged in the business of refrigerating to receive or place in cold storage warehouses any article of food or package containing food, unless such article or package is marked with the exact date of receipt for storage. Nor shall food which has been kept in cold storage without the state of New Jersey be received unless it is marked with the date of first receipt. The law further provides that no article shall be taken from cold storage unless it bears the date of receipt.

It is declared unlawful for any article to be kept in cold storage longer than ten calendar months without the consent of the state board of health or its properly authorized agent, except on condition that report is made of the fact to the board of health, on blanks provided by that body, and that the food so stored shall not be delivered to any person without a certificate from the board authorizing such delivery. Power is given to the board to extend, at discretion, the time for which any food may be stored.

It is made the duty of the board of health to inspect and supervise all places used for cold storage or refrigerating purposes; and the members of the board, or their duly authorized representative, must be given free access at any time to such warehouses or places for refrigeration, in order that they may satisfy themselves that they are kept in a sanitary and clean condition.

Every person or corporation engaged in the cold storage or refrigerating business is required to make to the state board of health a quarterly report stating in itemized particulars, the quantity of every article of food in the warehouse owned or operated by such person or corporation.

The transfer of food from one warehouse to another for the purpose of evading the provision of this law is prohibited, as is also the return to cold storage of any food which has been once withdrawn and placed on sale.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Any food left in cold storage longer than the specified ten months may be offered for sale by the person in charge of the warehouse, twenty days' notice having been given the owner of the food. This sale shall take place within thirty days after the expiration of the prescribed period of storage, and the proceeds of the sale shall be paid to the owner, after the cost of storage and other charges have been deducted therefrom. If such food has been condemned by the state board of health, it shall be destroyed or otherwise disposed of according to the directions of the board.

The penalty for violation of any part of this law is a fine not exceeding five hundred dollars for the first offense, but a second offense shall be counted as a misdemeanor.

LORIAN P. JEFFERSON.

Commission Government, Progress of, in California. Under the home rule provisions of the constitution of California (article 11, section 8), permitting cities of more than 3,500 inhabitants to frame their own charters (subject to the approval of the legislature), eight cities have adopted a commission form of government. The list, compiled by the Short Ballot Organization, and brought down to June 23, 1911, include Berkeley (40,000), Modesto (4,000), Monterey, San Diego (39,000), San Luis Obispo, Santa Cruz (11,000), Vallejo, and Oakland (150,000).

In order to permit cities of 3,500 and less inhabitants to adopt the commission form if they desire, the last legislature passed an act (Chapter 418, Laws of 1911) granting such authority.

The law provides that the boards of trustees of cities of the fifth class (of from 3,000 to 10,000 inhabitants) and of the sixth class (of not exceeding 3,000), may at any time submit to the voters of their cities at any municipal or special election, the question of the division of the administration of the municipality into five departments, providing for the assignment of their several members as heads of such departments, and defining the duties, powers and responsibilities of each commissioner.

The law further provides that, subject to the provisions of the act, the board by a majority vote may appoint its several members as the respective commissioners of the departments; and may by like vote from time to time change such appointment. In case the ordinance requires commissioners to devote a specified number of hours each business day to the performance of their official duties, salaries may

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

be granted; the amount to be fixed by the ordinance submitted to the people.

A majority of votes cast at the election carries the proposition.

The second main subdivision of the act makes provision that the board of trustees may submit the question as to whether the officers who are at present elected, or any of them, other than the trustees, shall be appointed by the board. The names of the officers to be included must be specified on the ballot. If, at the election, a majority of those voting on the question vote "Yes," on the expiration of the terms of the officers designated, such offices shall be filled by, and shall be held subject to, the pleasure of the board.

The adoption of *both* of the above propositions, in the language of the title of the act, "provides the so-called commission form of government."

CHARLES HOMER TALBOT.

Corrupt Practice Laws. Ohio and New Jersey have been added to the list of states with efficient corrupt practice acts, by legislation just passed. The Ohio law attempts to restrict the excessive use of money in campaigns by requiring a strict accounting of all funds used for such purposes and their expenditure only through candidates, political committees or those directly answerable to them. Two or more persons co-operating to secure the success or defeat of a political party or principle in a campaign, constitute a political committee. All committees must operate through treasurers who are responsible for compliance with the law in respect to all receipts and disbursements. Candidates and political treasurers must file itemized statements of campaign expenses and for the enforcement of the law, special proceedings are provided which may be instituted by the attorney-general of the state, the prosecuting attorney of the county, a candidate voted for at the election, or by five resident, qualified voters.

Purposes for which campaign funds may be used are limited to those incidental to the conduct of public meetings, the maintenance of political headquarters, for securing speakers and for advertising, traveling expenses, postage, etc. The law relative to bribery and the intimidation or interference with electors in the exercise of their right of suffrage is strengthened. Employers are prohibited from attempting to influence the political opinions of their employees by displaying political notices or making threats. Newspapers and periodicals may not lend their columns for the publication of political threats, solic-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

itations or promises. Amounts which may be expended by candidates must not exceed specified sums varying from $5,000 for the office of governor to less sums for minor offices, determined upon the basis of the number of votes cast for the office in question. For violation of the corrupt practice law a fine not exceeding $5,000 may be imposed or imprisonment not to exceed six months in the county jail. Candidates violating this law may be disqualified for office.

The New Jersey act conforms closely to the English law and makes a distinct advance in the development of election laws in that state. The corruption of the electorate through bribery or threats or through the excessive use of campaign funds, illegal voting or registering, colonizing voters, betting on elections and intimidating employees are carefully guarded against. Money which may be lawfully expended is limited to amounts, varying from $2,500 in the case of a candidate for governor to $200 for a candidate for the general assembly. All expenditures must be made by the candidates or by the committees they have designated and itemized statements of all receipts and disbursements must be filed. It is made unlawful to use funds to hire workers or vehicles to secure the attendance of voters at the polls, or to contribute to churches, charitable or eleemosynary institutions beyond one's usual contribution. All bills, pamphlets or other advertisements must bear the name and address of the person authorizing their publication. Violation of the corrupt practice law is punished by fines and imprisonment and disqualification for office. Violations of this law by corporations is punished by fines and the loss of their corporate charters. If a candidate fails to file statements of election expenses he may not enter upon the duties of his office, but the incumbent holds office until his successor is elected and qualified. Elections may be contested on the grounds of deliberate and material violation of the corrupt practice law, by any defeated candidate or by twenty-five voters of the state. In cases of contests over nominations, the court shall pronounce whether the contestant or incumbent was duly nominated.

The legislature of the state of Kansas has adopted provisions now found in the election laws of a number of states, prohibiting the use of newspapers for political advertisement unless such advertisements are designated and bear the name and address of the person causing their insertion. It is unlawful to make or receive payments for supporting editorially any candidates for public office. Corporations carrying on banking, insurance, railroad or any other public utility business, are

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

precluded from contributing to campaign funds under penalty of heavy fines for the corporation and for the officers who authorize the expenditure.

The New Hampshire election law is materially strengthened by laws passed this spring. Under the provisions of one of these, political advertisements in newspapers and periodicals must be designated and bear the name and address of a voter responsible for them. By another law, political contributions from corporations are forbidden. A third law requires the filing of statements of campaign contributions by candidates, state political committees and other persons controlling campaign funds. These statements must not only be placed on file but must be given publicity through the daily press. All contributions must be made directly to candidates or political committees. Neglecting to comply with the provisions of this law disqualifies a candidate for office.

S. GALE LOWRIE.

Corrupt Practice Laws: Wisconsin. The legislature of Wisconsin has enacted a law, the opening section of which defines as done for "political purposes" any act of such a nature, performed with the intent or in such a way as to influence, directly or indirectly, voting at any election or primary; or such act done on account of any person having voted, or refrained from voting, or being about to vote or refrain from voting at any election or primary. "Disbursement," for the purposes of this act, is declared to "include every act by or through which any money, property, office, or position or other valuable consideration is directly or indirectly given, provided, paid, expended, promised, pledged, contributed or lent."

The law provides that no candidate shall make any disbursement for political purposes, except in person, through a party committee or a personal campaign committee. This personal committee, selected by the candidate, may consist of any number of persons, but before it can legally make any disbursements, or incur any obligations to do so, it shall file with the proper officer a written statement of such candidate that the personal committee has been appointed, giving the names and addresses of each member and of the secretary. The secretary of such committee is required to file, at stated times with this same filing officer, statements of all financial transactions of the committee. These statements shall give in detail every sum of money, all property, or other valuable consideration, or pledge received,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

from any source whatever (and these pledges and donations are limited to five hundred dollars from any one person) with the name of every donor, and the date of receipt; every disbursement or obligation to make such disbursement, for political purposes, with the name of the person to whom such disbursement was made or promised and the date when each was incurred. Similar statements are required of the candidate himself.

The law recognizes as legitimate "political purposes," for which expenses may be incurred, (1) the candidate's personal traveling expenses, (2) payments required to be made to the state pursuant to law, (3) contributions to his personal campaign committee, and (4) to his party committee. The disbursements of these committees are limited to the following: (1) Hall rentals incident to holding public meetings; (2) necessary clerical assistance to be employed for the candidate at his headquarters or those of the committee; (3) necessary expenses incident to the printing of handbills, posters, lithographs, and other campaign literature and the distribution thereof; (4) campaign advertising in newspapers or magazines; and (5) actual necessary expenses of public speakers. But no person shall pay or promise to pay, directly or indirectly, the owner, publisher, editor, reporter, or agent of any newspaper or periodical for influencing or attempting to influence the voting at any election or primary, except through matter published in such newspaper or magazine. Nor shall the editor, owner, publisher, reporter or agent accept or solicit such payment for influencing or attempting to influence such voting. Incidentally, all matter for which payment has been or shall be made, inserted in the reading or advertising columns of any publication intended to influence voting, must be headed "Paid Advertisement," and the name and address of either the author or person authorizing the publication, or the amount paid for such insertion must appear at the head thereof.

In case the disbursements of any candidate amount, in any twelve months, to more than fifty dollars that person shall file within forty-eight hours, with the clerk of the county in which he resides, a sworn statement giving in full detail every item constituting such disbursement, the exact means of payment, the manner in which it was made, the name of the person to whom it was given, and the purpose for which it was given, with the date of each item. No person or committee shall pay or incur obligation to pay for services to be performed in behalf of any candidate on the day of any election

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

or primary; for political services performed on that day, or for loss of time due to attendance at the polls, or for the expenses of transportation of any voter to or from the polls. No person is allowed for himself or for another person, either before or after primary or election, directly or indirectly, to give, provide, or pay for, or obligate himself to pay for any food, entertainment, drink, tobacco, cigars, or clothing, with the hope or intent of influencing any vote for or against any candidate at any primary or election. The provision is added that the buying or furnishing of any liquor, tobacco or cigars by any candidate either directly or indirectly, and the furnishing thereof to any elector or electors of the district in which he is a candidate shall be *prima facie* evidence of the fact that such articles were bought with the hope and intent of influencing the vote of the elector to whom the articles were furnished.

Any candidate failing to comply with the requirements regarding the filing of statements mentioned above shall not be entitled to have his name on the official ballot, nor shall any officer certify such candidate nor cause his name to be placed on the ballot. Such delinquent candidate shall not be entitled to receive a certificate of election, and shall be disqualified for holding the office for which he was a candidate, and no officer shall issue certificates of election. Any vacancy thus created may be filled by the regularly constituted party committee having jurisdiction over the case.

LORIAN P. JEFFERSON.

Election Laws: The New Geran Law in New Jersey. Up to the present year the election law of New Jersey was one of the most backward and unsatisfactory in the country. The system of separate semi-official ballots and official envelopes, which was abandoned in Connecticut in 1909, remained in use in New Jersey with few modifications, and, in conjunction with the distribution of ballots prior to election day and the free use of posters, was the source of numerous evils. The direct primary law, although including a feeble expression of preference as to United States senator, was mandatory only as to members of the legislature and to county, municipal, ward and township officers. The provisions of law designed to prevent illegal registration and voting, ballot box stuffing and other electoral offences, and to secure honesty and secrecy at elections, were far from adequate. The appointment of election officers, as is still unfortunately the case in most of the states, was virtually left to the Republican and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Democratic party organizations, with no provision for any test as to the fitness or intelligence of the persons thus selected.

Attempts, based on reports of special committees of the legislature, to secure the adoption of a more or less general revision of the election law were defeated in 1908 and 1909, both party organizations showing themselves averse to any drastic amendment.

By the passage, however, of the so-called Geran election law last winter (L. 1911, Ch. 183) under the effective leadership of Governor Wilson this whole situation was changed, and the electoral system of the state was brought as fully into accord with progressive ideas as any in the country.

The first important change accomplished by the new law is an extension of the direct primary system to include the governor, members of congress and delegates to national party conventions. The primaries for the election of delegates to national conventions are to be held on the fourth Tuesday in May of each year in which a president is to be elected. The name of any candidate for nomination for the presidency may be placed on the official primary ballot at this election by a petition, signed by at least 1,000 voters of the party whose nomination he seeks, and filed with the secretary of state on or before the first of April. The vote at the primaries is to be regarded merely as an expression of the preference of the voters.

It is also provided that candidates for either house of the state legislature shall sign and file with their petitions entitling them to a place on the official primary ballot one of two statements which read as follows: Statement No. 1. "I hereby state to the people of New Jersey, as well as to the people of ——— county, that during my term of office I will vote for that candidate for United States senator in congress who has received the highest number of votes in my party in the state for that position at the primary election next preceding the election of a senator in congress." Statement No. 2. "During my term of office I shall consider the vote of the people for United States senator in congress as a recommendation which I shall be at liberty to disregard if the reason for doing so seems to me to be sufficient." This system, as will be seen, is similar to the well-known plan devised and adopted in Oregon and since copied more or less closely in a number of other states. It differs from the Oregon plan, however, in several important respects. In Oregon the candidate of each party for United States senator who receives the largest number of votes in the primary election of his party receives the party nomi-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

nation and has his name placed as the party candidate for senator on the official ballot for the *general* election. On election day the voters of the state choose between the candidates of the several parties, and the famous "Statement No. 1" signed by candidates for the Oregon legislature is a pledge to vote, not for the candidate for United States senator who has received the largest number of votes at the primary of the party to which the signer belongs—as in New Jersey—but for the candidate for senator, irrespective of party, who has received the largest popular vote at the general election. No such situation, therefore, could arise under the New Jersey law as arose in Oregon when Senator Chamberlain was chosen by a Republican legislature. In Oregon there is also a law, the constitutionality of which has been questioned, making it mandatory upon members of the legislature to vote for the candidate for United States senator who has received the largest popular vote at the preceding general election. No such provision has been included in the New Jersey law. Since all devices for securing popular control over the choice by the state legislatures of United States senators are likely soon to be rendered useless by the adoption of a constitutional amendment providing for their popular election, the differences above noted are not likely to have any very important effects.

In the new election law of New Jersey provision is also made for a "primary registry" of voters before both the spring primary in presidential years and the regular fall primary every year, in addition to the registration of voters for the general election. This "primary registry" is similar to what is known in New York as party enrollment. In New York a voter, in order to be able to vote at his party primary in any given year, must have enrolled as a member of his party on one of the regular days of registration of the preceding year. There are provisions for supplemental enrollment during the intervening winter and for the transfer of persons who have moved during the year from one district to another, but in general these provisions do not apply to the larger cities, and party lines are established, for the most part, almost a year in advance of the regular fall primaries. The New Jersey system is slightly more elastic. The election district boards of registry and election in municipalities of over 5,000 inhabitants make up the primary register (which in such districts is entirely distinct from the general election register) at least ten days before the primary election (1) by placing thereon the names of all persons shown by the poll-book of the previous year to have voted at the last

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

general election; (2) by adding thereto the names of all persons who register for the ensuing general election on the first day of registration; (3) by adding thereto the names of all persons presented by affidavit as being entitled to vote at the ensuing general election; and (4) by placing after the names of any of the persons above mentioned who are shown by the Republican and Democratic primary books of the year before to have voted at the Republican or Democratic primaries the letters "R" and "D" respectively. In municipalities of 5,000 inhabitants or less the boards of registry and election make up the register for the ensuing general election ten days before the primary election by means of a house-to-house canvass, and adapt this general election register for use as a primary register by adding after the several names the letters "R" or "D" in the manner above indicated for municipalities of 5,000 inhabitants or over.

The primary registers so made up are subject to correction by the county boards of elections, and subsequently, on the appeal of any voter, by the court of common pleas of any county.

The primary election is held on the second day of registration (the fourth Tuesday in September) and no person is allowed to vote in the primaries of either party whose name does not appear on the primary register above described, or who is shown to have voted the preceding year in the primaries of the opposite party. This system, while not quite as rigid as the New York system of party enrollment, is nevertheless similar to the latter in ensuring a distinctly "closed" rather than an "open" primary.

Another important change has been made in the system of registration for general elections by the adoption of the so-called "signature law," first adopted in California in 1905, and adopted in a more elaborate form for New York City in 1908. Under this provision, as now in force in New Jersey, each voter, on presenting himself for registration in any municipality of over 5,000 inhabitants on any of the three days of registration, must, in addition to answering the usual questions as to his voting qualifications, either sign his name in one copy of the register known as the "signature copy," in a separate column under the words "the foregoing statements are true," or, if he allege his inability to sign, answer a special set of questions contained in a form known as an "identification statement for registry day." On presenting himself to vote on election day the voter must either sign his name in one of the poll-books known as the "signature poll-book" or, without referring to his previous answers, answer again

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the same set of identification questions which were asked of him on registration day. His two signatures, or his two sets of answers, are then to be compared, and unless they correspond sufficiently to show that the intending voter is the same person who registered under the given name of the applicant he will not be allowed to vote. If they do correspond, one of the members of the board of registry and election is to certify this fact by signing his initials in the next column, which is headed "signatures compared," or by signing the list of questions known as "identification statements for election day." This system has proved remarkably successful in New York City preventing illegal registration, personation and repeating, and it is likely to be extended this year to apply to the entire state. Its use at primary elections has also been strongly advocated.

Another important improvement in the election machinery of the state is the provision in the new law for the examination of candidates for membership on election district boards of registry and election by the State Civil Service Commission. Candidates will still be recommended as heretofore by the county committees of the two leading political parties, but additional candidates from each of these parties may also be recommended by petitions signed by any five voters belonging to either one of them. All the candidates recommended either by the county committees or by petition will then be examined by the State Civil Service Commission for the purpose of testing both their general competence and intelligence and their knowledge of the election law. The commission is to certify the names of the candidates for each election district who pass this examination in two lists, separating the candidates of one party from those of the other. The two election officers for each district from each of the two leading parties will then be chosen by lot by the county board of elections from those two lists—the two Republicans from one list and the two Democrats from the other. Any voter may question any such appointment and apply to a judge of the court of common pleas to grant a hearing thereon, and if the appointee has been improperly selected, the judge may cancel the appointment and proceed to fill the vacancy.

While this is hardly an ideal method for the appointment of election officers, it is not only a great improvement over the method heretofore in use in New Jersey, but also a step in advance (so far as the writer has been able to learn) over the system of appointment in force in any other state in the Union. In cities of the first class in New York

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

state candidates for appointment as election officers have, for some time past, been nominally examined as to their general fitness and knowledge of the election law; but the report on the New York City board of elections made to Mayor Gaynor last winter by the commissioner of accounts makes it clear that, in one city at least, these examinations have usually been nothing more than a farce. The mere introduction of the idea of civil service examinations in connection with these positions is a long and promising step in the right direction.

The final important change effected by the new law—aside from a number of detail amendments—is the substitution of an official blanket ballot of the "office-group" (or, as it is more commonly known, the Massachusetts) form for the present system of semi-official ballots, separate for each party, and official envelopes. With this goes a corresponding change in the rules for marking and handling the ballots. At present the average voter, having obtained the ballot of his party outside the polling place and prior to election day, merely brings it with him when he comes to vote and encloses it in an official envelope given him by the election officers. Under the new law the official ballots will be obtainable only from the election officers, at the polling places and on election day. Each ballot will be provided with a detachable numbered stub, the number on which will be noted opposite the voter's name on the poll-book when the ballot is given to him. When the voter has marked his ballot in the voting-booth and returns it to the election officers to be deposited in the ballot-box the number on the stub is to be compared with that opposite his name in the poll-book, and, if the numbers correspond, the stub is to be torn off and preserved separately and the ballot deposited. This system, which is in use in a number of states, not only prevents the substitution of any unofficial ballot for that received from the election officers, but also offers a complete safeguard against ballot-box stuffing.

The adoption of the Massachusetts, or Australian, form of ballot—on which the names of the candidates are arranged in alphabetical order under the titles of the several offices, each followed by the name of the party or parties by which the candidate has been nominated or endorsed—is an achievement welcome to ballot reformers the country over, as indicating a trend away from the "party column" arrangement, and back to the earlier and better form. No less important than the adoption of this better form of ballot is the corresponding

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

provision of a new set of rules for marking it, according to which the voter must make a separate cross mark opposite the name of each individual candidate for whom he wishes to vote. This is the original Australian method, and the only method which is fair and equal for all candidates and for all classes of voters. The fight for a fair and workable ballot has been a long and discouraging one in this country, but the signs of a growing enlightenment on the subject are now becoming evident.

Among the less striking changes embodied in the new law are a provision for the framing of the party platform each year by a state convention of each party composed of (1) candidates for both houses of the legislature, (2) in certain years hold-over senators, (3) candidates for governor in gubernatorial election years (in other years the governor is a member of the state convention of his own party) and (4) members of the state committee, one from each county; more careful provision as to the form of the official primary ballots, and permission to any candidate for nomination to have printed thereon, opposite his name, a six-word declaration of the principles or policy for which he stands; provision for the mailing to each voter, prior to the primary election and the general election respectively, of sample primary and general election ballots; and the reduction of the number of voters in each election district by a lowering of the outside limit for a district from 600 to 400 voters.

Seldom in the history of this country has so great an improvement in the entire electoral system of any state been accomplished by a single act of the legislature. Those interested in electoral reform in other states will find many features in this law worthy of careful study.

ARTHUR LUDINGTON.

Employers' Liability and Workmen's Compensation. The legislative sessions of 1911 resulted in the passage of a number of important laws relating to employers' liability and workingmen's compensation for injuries. Such laws were passed in California, Kansas, New Hampshire, New Jersey, Washington and Ohio. It may also be noted that the people of Oregon adopted such a law by initiative petition at the elections of last November.

On April 4, 1911, Governor Wilson of New Jersey approved an act providing for a system of compensation for injuries to employees, which follows a plan submitted by a commission appointed last year to investigate the subject. The act is modeled in general upon that

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of New York which was recently declared unconstitutional, but with some modifications in order to avoid the same fate.

Compensation is provided for the employee in case of injuries caused by the actual or "lawfully imputed" negligence of the employer, unless the employee himself was willfully negligent, either through deliberate act, reckless conduct or intoxication. Whether the employee was willfully negligent or not is a question of fact to be submitted to the jury. The burden of proof to establish willful negligence rests upon the employer. The latter cannot avoid liability on the grounds that the injury was caused in any degree by the negligence of a fellow employee, or that the injured employee assumed the risks inherent in the nature of the employment, or arising from the failure of the employer to provide and maintain suitable appliances.

If the employer enters into a contract with an independent contractor to do part of such employer's work, such contract does not bar the liability of the employer for injury caused to an employee of such contractor by any defect in the condition of the ways, works, machinery or plant, if the defect arose through the negligence of the employer or of some one entrusted by him with the duty of seeing that they were in proper condition.

A schedule of compensation for injuries is provided which is presumed to apply in all cases, except where, in the contract of hiring, there is an express statement in writing, prior to any accident, to the effect that the schedule is not intended to apply. This schedule provides that, in case of death, the compensation to dependents shall be not less than $5 nor more than $10 per week for six years; provided that, if the wages of the employee were less than $5 per week then the compensation shall be the full amount of such wages per week. For injuries causing total and permanent disability the compensation shall be fifty per centum of the wages received at the time of the injury subject to a maximum of $10 per week and a minimum of $5 per week, to be paid during the period of such disability, not, however, beyond eight years. For disability partial in character, but permanent in quality, the compensation shall be based proportionately upon the extent of such disability. No compensation is to be allowed unless the employer is notified of the injury within ninety days after its occurrence.

In case of dispute over a claim for compensation between employer and employee, either party may submit the claim, both as to question of fact, the nature and effect of the injuries and the amount of compen-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sation under the schedule to the judge of the county court of common pleas, whose decision shall be conclusive.

The system of compensation provided in the New Jersey law is elective at the option of the parties concerned. This is the case, also, under the laws of Kansas and New Hampshire. In California, however, an exception is made of the state and municipalities when acting in the capacity of employers. With regard to them the system of compensation provided applies compulsorily. In New Jersey, Kansas, New Hampshire and California the cost of accidents falls upon the individual employer concerned. In Ohio and Washington, however, a system of state insurance is provided. In Ohio this system is elective, but in Washington compulsory. The insurance fund is raised in Ohio by contributions from both employer and employee, the former paying ninety per cent. of the premiums and the latter ten per cent. In Washington it is raised entirely by the employers, who are required to pay into the state treasury annually a certain percentage of their yearly payroll, varying according to the "relative hazard" of the employment. Out of the insurance fund established in Ohio, compensation for accidents is paid as follows: For medical services, not to exceed $200. In case of death, $150 shall be paid for funeral expenses. If dependents remain after death, they shall receive two thirds of the wages of decedent for a period not exceeding six years, the total minimum payment being fifteen hundred dollars, and the maximum, thirty-four hundred. In case of total and permanent disability, two thirds of the average weekly wage shall be paid until death, and, if the disability is but partial or temporary the same percentage of the wages shall be paid during the continuance of the disability.

Under the law of California medical services are to be paid for to the extent of $100. In case of death, dependents are to receive a sum equal to three times the average annual earnings of the decedent, within the minimum and maximum limits of one and five thousand dollars to be paid in weekly installments corresponding in amount to the weekly earnings of employee. In case of total disability, from sixty-five per cent. to one hundred per cent. of the average weekly earnings shall be paid during the period of such disability and in the case of partial disablement, sixty-five per cent. of the weekly loss in wages is to be paid while the disability continues.

The law of Kansas provides compensation to dependents of a decedent employee equal to three times his yearly earnings, within the minimum

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and maximum limits of $1,200 and $3,600. In case of disablement, payments are to be made for ten years equal to fifty per cent. of the weekly earnings for total disability and to from twenty-five per cent. to fifty per cent. for partial disability.

Under the law of New Hampshire the dependents of an employee killed in the course of his employment receive a sum equal to one hundred and fifty times his weekly earnings, but not in excess of $3,000. The employee receives fifty per cent. of his average weekly earnings in case of total disability and fifty per cent. of his weekly loss in wages for partial disability, and in each case the payment is not to exceed $10 per week, nor to continue for longer than three hundred weeks.

In New Jersey the election of the compensatory schedule by the employer is presumed in the absence of a written stipulation to the contrary in the contract of employment. In the other states mentioned, however, the employer is required to file a written statement accepting the schedule with some state board or officer: in California with the Industrial Accident Board; in Kansas, with the secretary of state; and in New Hampshire the employer is required not only to file with the Commissioner of Labor a declaration in writing that he accepts the provisions of the act, but must also satisfy said commissioner of his financial ability to comply with its provisions. In all the states mentioned, if the employer elects the schedule, the employee is presumed to accept it also in the absence of written notice to the contrary.

According to the laws of New Jersey, Kansas and Ohio, if the employer does not elect the compensatory schedule, the legal defences of assumption of risks, fellow service, and contributory negligence, which he might otherwise have employed, are abrogated, except that, in Kansas and New Jersey, if the contributory negligence is willful the defence may be employed. In the other states mentioned, these defences, though allowed, are restricted by the liability provisions of the statute. In New Jersey the employee is not allowed to bring a suit for damages against the employer after agreeing to accept compensation according to the schedule of the statute. In California, Kansas, New Hampshire, and Ohio, however, the employee is permitted to bring such a suit in lieu of compensation if the employer was personally negligent or failed to comply with the laws of the state requiring safe conditions of employment. In Washington, if injury results from the deliberate intention of the employer, the employee may bring suit against him in addition to receiving benefits from the regular

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

insurance fund paid into the state treasury. According to the law adopted by the people of Oregon in November, 1910, the dependents left by a workman killed while engaged in certain enumerated employments of a hazardous nature have a right of action without limit as to the amount of damages that may be awarded. In such actions the contributory negligence of the person killed or of a fellow servant is not allowed as a defence where the injury was contributed to by avoidable defect in machinery or materials or by the incompetence or neglect of the superintendent or foreman.

In New Jersey and Ohio the liability statutes apply to all industries. In California the law applies to all industries, but "casual employees" do not receive the benefit of the act. In Kansas, New Hampshire, Oregon and Washington, the statutes apply only to an enumerated list of especially dangerous employments. In Kansas there must be at least fifteen workmen employed in order that the industry may come under the act. In Washington the provisions of the statute may, at the option of the parties concerned, be extended to all other employments in addition to those denominated "extra hazardous."

In case of a dispute arising between employer and employee in regard to a claim for compensation under the act, the controversy must, according to some of the statutes, be submitted for settlement to various administrative boards or officers: in California, to the Industrial Accident Board; in Washington, to the Industrial Insurance Department; in Ohio, to the Liability Board of Awards; and in Kansas, to local committees or arbitrators. In all these states, however, an appeal to the courts is allowed. In New Jersey and New Hampshire, the dispute is to be submitted directly to the court without the preliminary action of administrative bodies.

Since the passage of the New Jersey statute, the legislature of that state has authorized the governor to appoint an Employers' Liability Commission, whose duty it shall be to observe in detail the workings throughout the state of the liability act. Every employer of labor within the state is required to report to the commission, upon the occurrence of any injury to any of his employees, the name and nationality of the employee so injured, the nature and extent of such injury, and the amount of compensation when determined, together with such other information as the commission may request. The detailed information thus collected is not to be made public, but the commission is required to present to each session of the legis-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

lature a report showing the operations under the act during the preceding year, together with any recommendations which they may deem proper for its improvement.

J. M. MATHEWS.

Initiative and Referendum. The legislature of the state of Wisconsin has adopted a resolution looking toward incorporating into the constitution provisions for the initiative and referendum for the enactment of constitutional and statute law. The plan adopted differs materially from those in operation in that no measures may be referred to the people which have not received consideration by the legislature. Notable progress has been made in Wisconsin during the last decade in the improvement of statute law. The development of the legislative reference library plan, the drafting department, the co-operation of technical experts from the university, and the improvement in the methods of committee work whereby opportunity for public hearing is given all measures, has resulted in a marked advance in lawmaking. The desire that all these institutions be of service for the enactment of laws or amendments to the constitution by the people as well as by the legislature led to the adoption of the following plan: All bills or resolutions for amending the constitution introduced in the legislature must be recorded. A bill passed by the legislature becomes law and takes effect after ninety days unless during that time a petition signed by eight per cent. of the electors has requested its reference to the people. Bills which are refused enactment by the legislature may be placed before the people for passage upon the filing of a similar petition. Amendments to the constitution which have passed one session of the legislature by a majority vote of the members elected to each house, may be brought before the people for adoption upon a five per cent. petition, but those which have failed to secure the required vote in the legislature require a ten per cent. petition to effect their submission. "Emergency" and appropriation measures form an exception to this procedure. The difficulty of urging the financial needs of public institutions before the entire people in the face of the strong tendency toward conservatism in expenditure, caused the exemption from the referendum of appropriations for maintaining the state government or maintaining or aiding any public institution. Such parts of any appropriations as do not exceed the last regular appropriation for such purpose are exempt from the referendum and become available upon the passage and publication of the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

law; the part of an appropriation which exceeds the last regular grant for such purpose, takes effect with other laws and is subject to referendum proceedings. The vote on measures submitted to the people is to be held at the next regular state election or at a special election to be called by the governor. The vote on constitutional amendments must be taken at the next general election. This proposed amendment to the Wisconsin constitution will be adopted only if agreed to by a majority of the members elected to each house of the next legislature and by the people at the following general election.

The amendment proposed by the Nevada legislature of 1909 to confer initiative powers upon the people for the enactment of laws and amendments to the constitution, was ratified by the legislature of 1911 and will be referred to the people at the next general election. Under this amendment, initiated measures must be accompanied by petitions signed by ten per cent. of the electors and be submitted to the legislature. Should such measures fail to become laws by enactment of the legislature, they must be submitted to the people, though the legislature may submit a similar measure and give the people an opportunity of choosing between them. The referendum has been a part of the constitution of Nevada since the general election of 1904.

The legislature of Idaho submits to the people at the next general election, a proposal for the initiative and referendum. This plan applies only to the initiation of laws and is unique in that no machinery for the enactment of laws by the people is provided, but this power is to be exercised by the legal voters "under such conditions and in such manner as may be provided by acts of the legislature." Considerable criticism has been made upon all plans for the initiative and referendum in that they write detail of considerable minuteness into the constitution, quite contrary to the theory that constitutions should contain only basic principles of government and should be so supplemented by statute law as to make them effective. The advisability of the Idaho plan is, however, open to serious question. Since the fundamental theory of the initiative and referendum is based upon a distrust of the legislature and is designed as an extraordinary remedy, applicable only when the legislature has been derelict in its duty, satisfactory results may hardly be expected from a plan which gives complete control of the machinery of popular government to a body which the people have been unable to govern.

The commission government laws passed in Idaho, Montana and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Wyoming as well as the special charter granted the city of Cambridge by the Massachusetts General Court, contains the usual provisions of such laws for the initiative and referendum in respect to city ordinances. The Wisconsin commission government law was amended to add the initiative and recall to the referendum already embodied in the law. Provision was also made for the initiative and referendum on acts of all city councils or county boards.

S. GALE LOWRIE.

Municipal Ownership: *California.* By act of the last California legislature, "Any municipal corporation may acquire, construct, own, operate, or lease any public utility" (Chapter 715, Laws of 1911). A public utility is defined to mean "the supply of a municipal corporation alone, or together with the inhabitants thereof, or any portion thereof, with water, light, heat, power, transportation of persons or property, means of communication, *or promoting the convenience of the public.*" The spirit of the law and the breadth of its scope are indicated by the words, "or promoting the convenience of the public."

Full power for the carrying out of the provisions of the act are given by the permission to cities to "acquire, own, control, sell, or exchange land easements, licenses and rights of every nature within and without its municipal limits," and by permitting them to operate such utilities within or without the municipal limits whenever necessary to supply a city, or its people, or any part of its people, with the service desired.

In addition to this, whenever an excess of water, light, heat or power is developed, the city is empowered to sell, lease or distribute such excess outside of its corporate limits.

The law provides that in case of a city's leasing any of its public utilities, such lease shall not be valid for longer than fifteen years, and that all such leases must be let to the highest bidder at public auction.

In order to make effective the right of a city or town to own and operate its own street car system, the legislature by another act (Chapter 43) had already permitted such cities and towns to occupy the same street or tracks occupied or used by any street railway company, within its limits, upon payment to the company of an equal portion of the estimated cost of construction of the tracks to be used jointly.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The above is one of the most conspicuous achievements of one of the most noteworthy sessions of an American legislature. Together with the grant to the cities of the reserved rights of direct legislation, which "goes to the source of corruption,"[1] and the permission of municipal ownership of public utilities, which "ultimately destroys the largest corruption fund,"[1] these two enactments form two of the most striking acts of the legislative drama in which the curtain has been rung down upon the rule of the Southern Pacific in California.

Missouri. Missouri cities all have the right to own and operate water works, gas, power and electric light plants, if they so desire (Rev. Stats., Mo., 1909, sec. 9904). They also are empowered to supply water from their municipal water works to people outside of their corporate limits, and to other cities (secs. 9905, 9906).

By an act of the legislature of 1911 (Laws of 1911, pp. 351, 352), cities having municipal electric light or power plants are now permitted to supply electric current to persons and companies outside of their own corporate limits and to other cities.

Missouri cities of the third class (*i. e.*, of from 3,000 to 30,000 inhabitants, by act of 1903, as amended in 1909 (Rev. Stats., sec. 9914), were also given the power to own and operate heating plants, telephone plants or exchanges, street railways, conduit systems and public auditorium or convention halls. By act of the last legislature (Laws of 1911, pp. 352, 353), cities of the fourth class (of from 500 to 3,000 inhabitants) are now given the same powers in this matter as the third class cities.

CHARLES HOMER TALBOT.

Public Utilities. Five states joined the ranks of those which have a state commission for the control of public service corporations at the sessions of the legislatures during 1911. These states are: New Hampshire, Kansas, Oregon, Ohio, and Washington. One state, New Jersey, transformed its useless law of 1910 into a full-fledged regulative measure. Bills were vigorously pushed in Illinois, Iowa and Pennsylvania, but failed when their passage seemed certain. The legislature of Connecticut is still considering the matter at this writing with a fair possibility of success, and Massachusetts under the insistence of Governor Foss is making an attempt to convert the divided commissions of that state into a single public service commission on the model of New York and Wisconsin. A valuable report

[1] John R. Common's "Proportional Representation," 2d. edition (1907), 309.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

has recently been made to the governor on that subject, prepared by Mr. Clinton H. Scovell.

The new laws do not present much that is original. They follow pretty closely the lines laid down in previous statutes of the five states which had already adopted state commissions, and of the interstate commerce commission.

Kansas. In this state the board of railroad commissioners is converted into a public utilities commission. The three members are appointed by the governor with the consent of the senate, for a term of three years, after the terms of the present members expire. One commissioner must be a practical business man and one skilled in the operation of a carrier or public utility. No commissioner or the attorney or secretary shall own any stock, bonds or property in any public utility. An anti-nepotism clause is inserted as to employees, related either by marriage or blood, to members of the commission. The positions under the commission are specified but others may be added with the approval of the governor. No provision is made for the removal of commissioners, hence the rule that the power of removal is incident to the power of appointment, will probably hold, thus making the commissioners removable only by the governor and senate or by impeachment. The utilities controlled include pipe lines with all other common carriers, telegraphs, telephones (except mutuals) and companies for the furnishing of heat, light, water or power. Municipally owned utilities are excepted from control by the commission.

All common carriers and public utilities are required "to furnish reasonably efficient service, joint service and facilities . . . and to establish just and reasonable rates, joint tolls, charges and exactions, and to make just and reasonable rules, rates, fares, classification and regulations." The commission may investigate on complaint or its own initiative and prescribe reasonable rates and service after a public hearing in all cases. Rates and service shall not be altered until approved by the commission. Standard units of products may be prescribed and regulations for accuracy of measuring appliances shall be established. Every public utility must furnish detailed accounts prescribed by the commission showing the financial operation and state of the business. An annual report is required in standard detail.

Issues of stocks and bonds are regulated. Appeal must be made before issue, to the commission setting forth the facts of the issue and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

its purpose. The commission shall investigate the truth of the statements and if the company complies with the law and its statements are found correct, permission is granted by the commission with a statement of the facts. Consolidations or purchases of stock of competing corporations are prohibited unless allowed by the commission. Common carriers are divorced from an interest in the commodities they carry by direct prohibition. Physical valuation may be made when of use for the fixing of rates or service and for the purpose the commission is given access to the books of any governmental office, state or local.

The most extreme provision of the law and one which goes beyond those of other states is the one requiring the approval of the state commission as to the public necessity of any public utility or common carrier before it may operate. The New Jersey law contains a similar feature, which virtually destroys the power of municipalities in granting franchises.

The rights of municipalities otherwise in controlling public utilities is safeguarded fairly well. The right to regulate utilities and common carriers wholly within a city is expressly left to the municipality subject to an appeal to the commission.

The usual specific requirements are made prohibiting rebates and discriminations, thereby prohibiting free service. All serious accidents must be reported to the commission.

An appeal to the court is provided and the procedure outlined. Any person dissatisfied with the rulings of the commission may appeal directly to the courts and such cases take precedence. The court becomes virtually the authority in all cases as to reasonableness of rates and service established.

Washington. The Washington railroad commission consisting of three members is likewise transformed into a public service commission. The members are appointed by the governor with the consent of the senate for six years. The powers of the commission vary only slightly from those outlined above for Kansas. Reasonable and adequate service is required. The commission may proceed upon complaint or its own initiative to make investigations and may fix rates, joint rates and service requirements. Accidents must be reported and the commission may investigate. Power to inspect books and require reports is given.

Special attention is given to the requirement for efficient equipment. The law goes into some detail in fixing standards for safety. Another

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

special provision is the fixing of a maximum rate of five cents for street car service with transfer upon terms which are just and reasonable.

The commission is required to make a physical valuation of properties and cost of reproduction. It is required also to investigate the financial condition of public utilities and pertinent facts concerning their capitalization. No provision is made, however, to regulate the issue of stocks and bonds except the publicity feature. The court review provisions are similar to those in Kansas. An appeal is provided directly to the courts on the orders of the commission.

New Jersey. The board of public utility commissioners, created by the law of 1910, with limited powers, becomes under the new law the controlling power over public service corporations. The term of office is made six years and the members are appointed by the governor with the consent of the senate and may be removed by the governor for neglect of duty or misconduct in office after a hearing. The commissioners are prohibited from having any official relation with a public utility or own stocks or bonds therein. The jurisdiction of the board extends to all public utilities including sewer and oil companies and to common carriers, including canals, pipe lines and subways. The powers of the board are permissive. They may do many things but few are mandatory. The board may proceed on complaint or its own initiative to investigate rates or service and to fix rates and standards of service to be followed by the companies. Measuring devices are subject to inspection and control by the board. The board has power also to require joint rates and service, permit change of grade, require extension of facilities and service, establish uniform accounts, require detailed reports, and depreciation funds, investigate accidents and determine the reasonableness of proposed changes. Discrimination and rebates are prohibited. Stocks and bonds may not be issued until approved by the commission nor may the property be mortgaged, disposed of, merged or consolidated, without such approval. Service may not be discontinued without approval. Grade crossings are prohibited.

Some requirements stand out in the New Jersey law as advanced provisions: Public service corporations are prohibited from capitalizing franchises for an amount greater than that actually paid, or capitalizing contracts for consolidation, merger or lease, or issue bonds or evidences of indebtedness thereon. No franchise is valid until approved by the commission after a hearing to determine the public

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

convenience and necessity. Another valuable publicity feature is the power granted to require the name, position and duties of every officer, director or head of department in such form as to disclose the responsibility of each.

Provisions for court review are also made. Appeal may be taken to the supreme court and the order of the board set aside if it appears that the facts before the board were not sufficient reasonably to justify the action or that the case was beyond their jurisdiction.

New Hampshire. The public service commission in this state is organized with three commissioners appointed by the governor with the consent of the council for a term of six years. Any commissioner may be removed by the governor and council for inefficiency, neglect of duty or malfeasance in office, after notice of the cause, without a hearing. The commissioners are prohibited from owning stock or securities or being pecuniarily interested in any public utility and from serving any utility professionally. The commission sits together and if any member is unable to sit the commission may ask the governor and council to appoint a person for any case pending. The act applies to all common carriers, telegraphs, telephones, ferries, and heat, light, water and power companies. These are required to furnish "such service and facilities as shall be reasonably safe and adequate."

The commission is authorized to keep informed of the conditions and operations of the companies. They may make investigation on their own initiative or on complaint as to rates and service and may direct such changes as they may deem necessary to make the service safe and adequate and at prices which are just and reasonable.

The approval of the commission must be secured before any extension by a railroad corporation is made, and it must be shown that the public good will be promoted. This applies under the term "railroad corporation" to street railroads and other common carriers. The franchise of other public utilities hereafter granted must be approved by the commission and the commission shall pass upon the public necessity of the public utility and may make such terms and conditions as it deems for the public interest. No franchise may be transferred, assigned or leased without the approval of the commission nor shall any contracts relative to a franchise be valid without like approval. Corporations may not acquire control of corporations doing a similar business. The right of eminent domain is to be exercised subject to the control of the commission as to necessity for taking and the damages therefor.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Stock and bond issues must be approved by the commission. Accounts must be filed with the commission showing the use to which the proceeds are put. Stocks must be offered first to present stockholders at not less than par except issues of less than four per cent. of the existing stock.

An appeal from any order of the commission may be taken to the courts by any party aggrieved. The Wisconsin provision that, if new evidence is presented to the court, the action shall be stayed until the commission has been given an opportunity to consider the case with the new evidence is included in the New Hampshire law.

The usual requirements and prohibitions concerning rebates, discriminations and accidents, are imposed by this law. In the main, the New Hampshire law follows closely that of New York with some selected features of other laws.

Oregon. The railroad commission of Oregon is given power to regulate telegraphs and telephones, including wireless, street railroads, and heat, light, water and power companies. Municipally owned utilities are excepted.

The provisions of the law follow almost exactly the Wisconsin law of 1907 with its provisions for uniform accounts, depreciation accounts, joint use of equipment, detailed reports, establishment of units of service, testing of measuring appliances, court procedure in case of new evidence, control of public utilities by municipalities and powers of the commission. The commission may proceed upon complaint or upon its own initiative to investigate rates and service and may fix such rates and conditions as may be reasonable. The law incorporates the same provisions as Wisconsin's law prohibiting passes, franks and political contributions. No provision is made in the law regulating the issue of stocks and bonds. The only distinctly new feature is the power of removal of commissioners which is given to the governor, secretary of state and state treasurer (the appointing power of the railroad commission) on grounds of inefficiency, neglect of duty or malfeasance in office after charges have been preferred and a hearing given.

Ohio. The Ohio railroad commission becomes, under the new law, the public service commission of Ohio, with power "to supervise and regulate public utilities and railroads" which include all common carriers, express, telegraph, telephone, messenger, signalling, heat, light, water and power companies.

The commission shall investigate rates and service either on com-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

plaint or its own initiative and may make such orders as may be reasonable. In case of fixing rates, the law sets forth some of the conditions which must be taken into consideration in establishing a just rate. The commission may make a valuation of all property including its physical property. In such cases a hearing must be given and a revaluation may be ordered by the commission at any time on its own motion.

The commission may establish uniform accounts and require depreciation accounts. It is required to fix standards and units of measurements. It may test all appliances for measurement. Stocks, bonds or other evidence of indebtedness may not be issued until a full statement is made to the commission and its approval secured. Full power of investigation is given to the commission to carry out this provision. Interstate utilities or railroads are excepted as to the issue of stocks and bonds on properties outside the state. Stock and scrip dividends are prohibited. Franchises may not be capitalized for more than the amount actually paid for them.

Competing lines may co-operate or consolidate with the consent of the commission after an investigation as to public convenience. Telephone companies may, on complaint, be compelled to make connections and fix joint rates.

The usual court procedure provisions are made to pass upon the orders of the commission. A new feature in this law relates to municipal control of rates and service. Any municipal corporation may fix the rates of public utilities within one year before the expiration of any contract. Thereupon the public utility or one per cent. of the electors of the city may appeal to the commission. After a hearing, the commission may fix a rate. In all such cases there must be a physical valuation of the property.

Companies are prohibited from giving rebates, or unjust or unreasonable preferences. They must permit the joint use of facilities on order of the commission. They must file schedules of rates with the commission and post the same as ordered. No change is permitted until thirty days after the change is posted. They may enter into agreements with customers for a sliding scale or similar arrangement.

JOHN A. LAPP.

The Recall. The constitutional amendments proposed by the legislatures of Idaho and Wisconsin for the recall of public officials are nearly identical. No attempt is made to incorporate in them any

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

details of the machinery of operation; they in effect but remove the restrictions upon the passage of laws for the recall of constitutional officers and require the legislatures to provide for the removal by recall of all elective officials except judicial officers. The proposed Wisconsin amendment must be accepted by the next legislature and by the people before becoming a part of the constitution; the recall will be written into the Idaho constitution if adopted by the people at the next general election.

Provisions for the recall of local officials in cities under commission government was made by laws this year in the states of Idaho, Montana, Wisconsin and Wyoming. In Wisconsin a recall law similar to that for commission government cities was made applicable to all city officers.

S. GALE LOWRIE.

Second Choice Nomination Laws. The Wisconsin second choice nomination law of 1911 adds an interesting corollary to the primary law of that state. The direct primary in its usual form, has an obvious and serious defect, in that the nominee thus selected is the choice of a plurality rather than a majority of the electors. Under the caucus plan, the candidates are placed before the convention by nomination and their names are balloted upon until one candidate secures a clear majority of the votes of the delegates and so becomes the nominee of his party in the approaching election. In such a convention, the first votes cast will undoubtedly be scattering and no candidate will succeed in getting a clear majority. As successive votes are taken, however, the field of candidates narrows, those receiving the lesser number of votes drop from the race and throw their allegiance to their choice among the stronger candidates; when one of them has secured a majority vote he is declared the choice of his party. He may be the candidate who received the plurality in the first vote cast, often he is not, because those who opposed him on the first ballot, while they may not have been of one mind as to their choice of candidates, may have been unanimous in their opposition to him and later balloting may result in securing the prize for one who ranked low in the first canvass. It is in this particular that the direct primary is weak. But one vote is taken, the candidate receiving the highest number of votes on this ballot is acclaimed the nominee of his party. His percentage of the entire vote cast may be low and the great body of his party may be strongly adverse to his candidacy, but unless they are able to center upon a candidate prior to the pri-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

mary, the organized minority will rule. The direct primary is like a caucus which votes once and adjourns, and the second primary system in operation in a number of states, particularly in the South, is expensive and necessitates the undesirable feature of an extra election.

Under the second choice nomination law, candidates are selected by a majority rather than by a plurality of the votes cast in the primary. Voters are expected to designate not only their first, but their second choices among candidates for office. When count of the ballots is made, following the usual practice of a convention, the candidate with the least number of first choice votes is dropped and the support of those who cast their first choice votes for him is divided among the other candidates in accordance with the second choice of those voters. This process of elimination and distribution of votes is continued until one candidate receives a majority of the votes cast and so becomes the nominee of his party. The ballot used makes provision for the designation of the voter's first and second choices as follows:

	1st Choice	2d Choice
A. B.	—	—
C. D.	X	—
E. F.	—	—
G. H.	—	X
I. J.	—	—

The ballot as marked shows that C. D. is the voter's choice; but in the event of his defeat, G. H. is preferred above the other candidates. In counting the ballots it is necessary to record that this vote is to count for G. H. only in case C. D. is dropped from the race. The tally sheet is therefore as follows:

1st Choice		2d Choice				
		A. B.	C. D.	E. F.	G. H.	
A. B.	90	—	—	50	40	—
C. D.	95	—	—	30	65	—
E. F.	45	35	10	—	—	—
G. H.	10	—	—	10	—	—

Total vote = 240. Necessary to elect = 121.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Thus as no candidate has received a majority of the votes cast on the first ballot, the same process is followed as in an open caucus when the result of the first canvass is announced; the candidate receiving the lowest number of votes drops out and his support is divided among the other candidates in accordance with the preferences of those voters. G. H. is eliminated and the strength of his supporters given E. F. The vote then stands:

A. B.....90
C. D.....95
E. F.....55

As no candidate has yet a majority, E. F. who is now the lowest, is dropped and his strength pro rated in accordance with the desires of the voters. The count now becomes:

A. B.....125
C. D.....105

As this gives A. B. a majority, he becomes the nominee.

The North Dakota legislature at its last session made provision for second choice nominations where no candidate receives a majority of all votes cast upon the first ballot. In this event the second choice votes are to be taken into consideration and the candidate receiving the highest number of first and second choice votes collectively becomes the nominee of his party.

A Maryland law of the session of 1910 while providing for the nomination of candidates for state office by conventions, allows the voters to designate at the elections when the delegates to the conventions are chosen, their preferences among the candidates for office. The delegates are bound by the results of the elections in their districts and support the candidate receiving the first choice votes of their constituents. In case no candidate receives a majority of the votes of the convention, the lowest candidate is dropped and successive votes are taken in which the delegates support the candidates receiving the greatest number of second, third or other votes in their districts. This process is continued until a majority nomination is secured. The first election under this law was held in Maryland in August, 1911.

Second choice nomination laws have been in operation in the state of Washington since 1907, in Idaho since 1909 and in the city of Grand Junction, Colorado, for a number of years. The new charter recently

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

granted the city of Cambridge, Massachusetts, has provisions for second choice nominations substantially the same as those in operation in Grand Junction. In each of these laws, however, the method of distributing the second choice votes differs from the laws just discussed. Under the Idaho method, where no choice is made upon the first canvass, the second choice votes received by each candidate are added to his first choice votes and the candidate whose sum total of votes is the highest is declared nominated. The Grand Junction and Cambridge plan carry the scheme somewhat further. The ballots are so prepared that voters may designate not only their first and second choices, but "other choices" as well. Thus a candidate may be singled out for an adverse vote by giving a vote to every candidate save him. These ballots are as follows:

	1st Choice	2d Choice	Other Choices
A	—	—	—
B	X	—	—
C	—	—	X
D	—	X	—
E	—	—	X
F	—	—	X

If no candidate secures a majority vote upon count of the first choice votes, or of the first choice votes added to the second, the "other choice" votes are added.

The plan adopted in Wisconsin is substantially the one which has been in operation in Tasmania for many years and was the plan recommended by the Royal Commission for England for use in parliamentary elections where there were more than two candidates. It obviates a serious difficulty in the Grand Junction plan in giving a higher value to first choice votes than others. The latter method expresses but negative results, designating by omission the candidate least desired, but contributing no more for the voter's first choice than his last except in the rare instances where there is a candidate selected on the first ballot. In fact, the only way to express an affirmative choice upon this ballot is to ignore the second choice features entirely. The Wisconsin plan is based on the operation of the open caucus which, free from abuse, is perhaps the most democratic method of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

selecting candidates and the one where most often the person selected will be the true choice of the people.

No form of preferential voting, however, will of itself guarantee the selection of efficient public servants, assure the success of the friends of good government over those who have private ends to serve nor prevent a well-organized minority defeating the candidates of a slight majority who scatter their votes. It offers, however, a means whereby majority rule is made possible and forms an essential part of an efficient direct primary system.

S. GALE LOWRIE.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CURRENT MUNICIPAL AFFAIRS

WILLIAM BENNETT MUNRO

The upper house of the New York Legislature has rejected the so-termed Grady Amendments to the charter of New York City but by so doing has put the whole question of charter revision for the metropolis back where it was three years ago.

In April, 1908, Governor Hughes appointed a board, commonly known as the Ivins Commission, to consider and report upon changes needed in the organic laws of the city. After nearly a year of careful study this commission presented a report recommending the passage of a new charter condensed into a document of about 75,000 words, and of a more extended administrative code which would contain all such permanent municipal regulations as were not sufficiently fundamental to be placed in the charter. The Ivins Commission also recommended an important increase in the functions and powers of the Board of Estimate and Apportionment and the division of its administrative jurisdiction into seven central bureaus. It urged that powers now vested in the five borough presidents should be given to a street commissioner named by the mayor; that the existing Board of Aldermen be reorganized into an unpaid council of thirty-nine members; and that some extensions should be made in the existing powers of the mayor. A bill embodying the recommendations of this committee was introduced in the New York Legislature during March, 1909, but did not receive a favorable committee report in either house. In April, however, the Legislature agreed to a resolution referring the measure and all other matters connected with charter revision to a joint recess committee composed of three senators and five assemblymen, and instructed this committee to report not later than February, 1910. This committee, since commonly known as the Grady Committee, proceeded to set aside most of the Ivins recommendations and, without taking the public into its confidence, prepared a number of amendments to the existing New York charter. Meanwhile Mayor Gaynor had the city's law department draft a charter embodying his own ideas and this was sent forward to Albany, where it supplanted, in the favor of the state Democratic machine, the belated recommenda-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tions of the Grady Committee. It was at first proposed to hurry the mayor's proposals through the Legislature without allowing time for adequate discussion, but a chorus of protests from New York civic organizations and a hint of veto action by Governor Dix induced the Legislature to delay attempts at enactment until public hearings could be held. These hearings, crowded into a few days, were held in New York where a large and influential opposition to many of the proposed amendments made itself apparent.

Opposition was directed particularly to the proposals which aimed to curtail the present powers of the Board of Estimate by adding some of its authority to the already extensive powers of the mayor. Objection was also made to the proposed increase in the mayor's salary and to the elimination of the charter provision whereby the mayor may now be suspended from office by the governor for due cause. Most vigorous of all, however, was the protest against the proposed change in the organization of the New York Board of Education. The mayor proposed to supplant the present unpaid board of forty-six members by a small paid commission, the members of which should be named by the mayor. This project evoked criticism from leading educational experts in all parts of the country including the presidents of several universities. The Legislature's committee took under advisement the various suggestions filed with it at the hearings, went back to Albany, and after making some few changes sent its bill again forward for enactment. The measure passed the Assembly, but the independent stand taken by some half-dozen Democratic senators secured its defeat in the upper house. The outcome, although it means that some years of effort have gone for nothing tangible, is pleasing to all but the politicians.

A well-organized attempt to disembowel the new Boston charter was frustrated by the action of the state Senate during the early summer. Three provisions of this charter which have placed a handicap upon the activities of political spoilsmen during the past couple of years are those which established the system of nomination by petition and of election by a short ballot without party designations, those which reduced the city council to a body of nine members elected at large, and those which required that all heads of city departments, appointed by the mayor, should be approved by the state civil service commission before their appointments became effective. An attempt was made to modify all three of these provisions so that party designa-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tions would once more appear on the ballot, the council would be enlarged and its members chosen by wards, and the confirming powers of the civil service commission transferred to the city council. The machines of both political parties appeared to be in full co-operation in support of the changes and the first of the so-called "ripper bills" passed the House of Representatives by a large majority. But the united efforts of the various Boston civic and commercial organizations together with the unanimous protest of the local newspapers made possible the defeat of the measure in the Senate.

The International Municipal Congress and Exposition held in Chicago from September 18 to 30, was successful in every respect. The exhibits illustrating recent progress in appliances for municipal work were quite up to expectations, and included interesting contributions from several foreign cities, notably from Antwerp, Rotterdam, Cologne and Milan. New York, Chicago, Cleveland and Pittsburgh sent the most extensive American displays. The sessions devoted to the discussion of municipal problems were well attended by delegates from all the leading American municipalities and by representatives from many European, Canadian and South American cities. Among the chief topics discussed at these sessions were city charters, municipal accounting and efficiency statistics, city planning, public utilities, local taxation, parks and playgrounds and school management. It is to be hoped that the addresses and discussions will be made available in printed form.

The degree of interest now being taken throughout the country in commission government for cities is attested by the recent appearance of no fewer than four useful volumes devoted to discussions of this theme. The first of these, entitled *City Government by Commission*, by Dr. Ford H. MacGregor, is issued as a Bulletin of the University of Wisconsin. It is a historical and critical study of 135 pages, with an excellent bibliography. Dr. MacGregor has performed his task with discrimination and painstaking care. Under the editorship of Hon. Clinton Rogers Woodruff, the first volume of the new National Municipal League Series has appeared—an attractive volume which also bears the title *City Government by Commission* (New York: D. Appleton & Co., 1911, pp. x, 381). The book includes papers upon the subject, *pro* and *con*, which have been read at various times before the annual meetings of the League, together with some discussions

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that have taken place elsewhere, and a large amount of new matter written by the editor. It is a timely and well-executed compilation, containing a comprehensive list of books and other materials bearing upon the subject, and a full index. *The Government of Cities by Commission* by Dr. Ernest S. Bradford (New York: The Macmillan Company, 1911) is the third volume on the subject. It gives particular attention to the variations in the type of commission government adopted by different cities. Mr. John J. Hamilton of Des Moines, Iowa, has issued, through Messrs. Funk & Wagnalls, the second edition of his volume which appeared a couple of years ago as *The Dethronement of the City Boss*, and in publishing this new edition has changed the title of the book to *City Government by Commission*. With Professor Beard's compilation of commission charters these various volumes supply all the information upon this particular topic that any charter-revising organization can require.

The fifteenth annual convention of the League of American Municipalities was held at Atlanta on October 4 to 6. Among interesting papers presented were those on "Municipal Insurance Bonds" by Wilson J. Vance of Newark, N. J.; on "What a Live City Can Do under an Antiquated Charter" by Hon. J. C. Haynes, mayor of Minneapolis; and on "The Board of Public Welfare," by Jacob Billikopf of Kansas City.

Reports giving the results of the decennial census in Great Britain and in the German Empire have come to hand and show the steady progress of urban concentration in these countries.

The census figures for England and Wales show an increase in the population of seventy-five county boroughs from 9,983,848 in 1901 to 10,871,260 in 1911. The administrative county of London has decreased slightly, from 4,536,267 to 4,522,961; but greater London (corresponding to the city and metropolitan police district) has increased from 6,581,402 to 7,252,963.

The census of the German Empire, taken in December 1, 1910, shows 281 cities of over 10,000 population (compared with 263 in 1905), 120 with over 25,000, 61 with more than 50,000 and 32 with more than 100,000.

Oberbürgermeister Kirschner of Berlin has been reëlected for a second term of twelve years.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The *Situation financière des communes* issued annually by the French Ministry of the Interior shows that, in 1910, the municipalities of the French Republic had ordinary budgets totaling 943 million francs—an increase of eleven millions over the total of the preceding year. Octroi taxes yielded 283 million francs, a decrease of seven millions compared with 1909. The aggregate municipal debt on December 31 was 4,187,838,069 francs.

Among the more important of recent European publications in the field of municipal government and closely-allied fields are: G. Montagu Harris, *Problems of Local Government* (London: P. S. King & Co., 1911, pp. ix, 464); M. M. Penstone, *Town Study* (London: 1910, pp. xii, 454); P. Hirsch and H. Lindemann, *Das kommunale Wahlrecht* (2 ed., Berlin: 1911); A. Miethe, *Ueber Lichtverhältnisse in Grosstädten* (Berlin: 1911); Rudolf Eberstadt, *Bodenparzellierung und Wohnstrassen* (Berlin: 1911); Hans Volkmann, *Die künstlerische Verwendung des Wassers im Städtebau* (Berlin: Heymann's Verlag, 1911, pp. viii, 124); Otto Wagner, *Die Grosstadt* (Vienna: Schroll, 1911); Kurt Wolzendorff, *Polizei und Prostitution* (Tübingen: 1911, pp. iii, 76); Heinrich Schulz, *Die Schulreform der Sozialdemokratie* (Dresden: Kaden, 1911, pp. xiv, 263); Albin Curet, *Les Communes et les lois de séparation* (Paris: A. Pedone, 1910, pp. 327); A. Riess, *Kommunale Wirtschaftspflege* (Leipsic: 1911); *The London Citizens' Year Book*, 1911–12 (London: P. S. King, 1911); and the *Handbook of the Work of the London County Council for* 1909 (London: P. S. King & Co., 1911).

An Act of Parliament was passed early in June enlarging the boundaries of Birmingham. This city now has a population of 867,000, about 60,000 more than Glasgow, and has taken the place of the latter as the second largest city in Great Britain. An effort is being made to extend the boundaries of Glasgow, so as to absorb several contiguous suburban burghs, which will make the population of Glasgow more than a million.

The commission form of municipal government continues to spread throughout the country; but in some instances the proposition has been defeated. The adoptive act passed by the Illinois Legislature in 1910 has been voted on by about thirty cities and villages and accepted in about twenty. Among the cities adopting the commission plan are Springfield, Decatur, Elgin, Rock Island, Moline, Jackson-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ville and Ottawa; while it was defeated in Peoria, Quincy, Joliet, Galesburg, Bloomington and Champaign. An adoptive act for commission government in municipalities was passed in New Jersey in April, 1911. This has been adopted in Trenton and Passaic; and defeated in Bayonne, Hoboken and New Brunswick. An act of the Pennsylvania Legislature replaces the city council of Pittsburgh by a commission of nine men. The first commissioners are said to be business and professional men, although approved by the state Republican organization. Successors to these commissioners will be elected at large next year.

A recent enumeration shows that 161 cities in 32 states have adopted commission government. The largest of these cities is Omaha, Neb., with a population of 135,000. Voting on the adoption of a commission charter which includes a provision for preferential voting will take place in Cambridge, Mass., at the coming state election.

A careful and detailed investigation of the social evil in Chicago has been made by a commission appointed by the mayor, which submitted its report and recommendations to the city council on April 5, 1911. The commission consisted of thirty persons, including business men, philanthropists, physicians, lawyers, judges, teachers and two women. Their investigations included an examination of amusement places, the commercializing of vice, the relation between prostitution and the liquor business and the economic causes. The chief recommendation was for persistent repression as the immediate method, with annihilation as the ultimate ideal. More specifically, the commission asked for the appointment of a Morals Commission to study the social disease and propose new regulations from time to time, and for the organization of a Morals Court to deal with cases connected with prostitution.

The Illinois Legislature, at the regular session of 1911, passed a series of important civil service laws, one enlarging the jurisdiction of the state commission so as to cover most of the state service, and three extending the merit system in the local governments of Chicago and Cook County. The county law includes the entire service of Cook County, and will also apply to other counties when they reach a population of 150,000. One of the other acts places under the merit system the employees in the parks of Chicago; and the third will extend the municipal system to include about 250 employees in the municipal courts, upon adoption by popular vote at the next election.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A well-appointed building is being constructed by the City Club of Chicago, in Plymouth Court, near Jackson Boulevard. This will be ready for occupancy in October.

Important plans for providing more adequate freight terminals in New York City have been prepared by the municipal authorities. One plan, presented by a sub-committee of the Board of Estimate, proposes the development of a series of unit terminals along the North River water front, with terminal and storage buildings on the east side of West Street. Bills authorizing this plan passed the Legislature; but were disapproved by Mayor Gaynor, who favors the more comprehensive plans proposed by the Dock Commission. These latter call for a joint water terminal for all roads to be built between 30th and 40th streets, to be connected by an elevated freight railroad with the inland yards and storage warehouses and steamship piers. Bills for carrying out these plans passed the state Legislature early in July.

After an extensive consideration of various plans for the construction of new rapid transit subways in New York City, a comprehensive scheme was reported on June 5 by the Public Service Commission and a committee of the Board of Estimate. This project proposed the construction of certain lines by the city, other lines by the Interborough Company and still others by the Brooklyn Rapid Transit Company, at a total estimated cost of $250,000,000, with alternative plans for offering routes declined by one company to the other. After some negotiations and modifications, the Brooklyn Rapid Transit Company agreed to accept the plans proposed.

The Fifteenth Session of the International Congress of Hygiene and Demography will be held at Washington, D. C., beginning September 23, 1912. In connection with the congress there will be an exhibit of state, municipal and volunteer work in public health and vital statistics, in charge of Dr. J. W. Schereochewsky of the United States Public Health Service.

The second volume of *Municipal Franchises* by Dr. Delos F. Wilcox appeared during the early summer. This part of the work deals with transportation franchises and with franchises for bridges, toll roads, docks and markets. One of the most interesting parts of the volume is the second chapter, which is entitled "The Elements of a Model

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Street Railway Franchise." A full review will appear in a later issue of this publication.

A new (fifth) edition of Judge John F. Dillon's *Commentaries on the Law of Municipal Corporations* has recently been issued in five volumes (Boston: Little, Brown & Co.) Announcement has also been made of a six-volume work on the same subject by Judge Eugene McQuillin, who is known to students of municipal government through his treatise on *Municipal Ordinances.*

The Proceedings of the Buffalo Conference for Good City Government and the Sixteenth Annual Meeting of the National Municipal League forms a bulky volume of 586 pages, including twenty-five papers and addresses on a variety of municipal problems. Among these may be mentioned: the address of the retiring president, Charles J. Bonaparte, on Patriotism in Municipal Affairs, and that of the new president, William Dudley Foulke, on Conservation in Municipalities; a comparison of Commission Forms of Government, by Ernest S. Bradford; and two papers on the Liquor Problem by Prof. A. R. Hatton of Western Reserve University and F. D. Bramhall of the University of Chicago.

During the past year the National Municipal League has had under consideration three new enterprises, all of which are of high interest and importance to those interested in municipal affairs. Two of these undertakings have already been definitely assumed by the League. The first is the issue of a series of small volumes, to be known as the National Municipal League Series and published by Messrs. D. Appleton & Co. Each of these volumes will be devoted to some single topic of contemporary interest in the field of municipal government and will contain a group of selected papers chosen mainly from those which have been presented at the various conventions of the organization, and which have been published in the League's annual *Proceedings.* A large amount of this material, much of which is of great value, has become almost inaccessible to general readers because the *Proceedings* for some years are now out of print. In addition to League papers other matter will be incorporated in each, so that it will embody a well-rounded survey of the topic with which it deals. The first volume in the series, which has already appeared, is edited by Hon. C. R. Woodruff and is devoted to the subject of *Commission Government.* The second volume on *The Initiative, Referendum and Recall* will be ready before the end of the year. A volume on *Constitutional*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Municipal Home Rule, edited by Prof. A. R. Hatton of Cleveland will appear shortly thereafter. Other volumes are planned to deal with *Municipal Franchises, City Planning, City Franchises, Municipal Recreation,* and *Municipal Health and Sanitation.* The books will be sold at popular prices.

A second undertaking is the publication of a quarterly periodical, to be called the *National Municipal Review* and to be devoted to the subject of municipal affairs in a broad sense. The review will be under the general editorship of the secretary of the League assisted by a small board of editors and a larger advisory council. The first number will appear in January. In addition to contributed articles there will be departments devoted to current municipal affairs, news and notes, bibliography and book reviews. Copies of the periodical will be furnished to members of the National Municipal League as part of the return for their annual membership dues of five dollars, and as the more important papers read at future League conventions will be printed in the new *Review*, the annual volume of *Proceedings* will be greatly reduced in size, and possibly dispensed with altogether.

A third enterprise, which is having consideration, is the publication, under the League's auspices, of a Municipal Year Book of the United States. It is suggested that such a volume, to be revised and reprinted annually, should follow the lines of the well-known and highly useful *Municipal Year Book of the United Kingdom* published by Lloyds of London.

The next annual meeting of the National Municipal League will be held at Richmond, Va., on November 13–17.

At the National Conference on City Planning held in Philadelphia, May 15–17, Mr. Raymond Unwin of London and Mr. Thomas Adams, town planning expert of the Local Government Board for England and Wales, were among the visitors from abroad.

The Second Annual Conference of mayors and municipal officials of New York was held at Poughkeepsie, May 25–27. Three hundred officials were present, representing practically all the cities of the state. The papers and discussions dealt with paving and care of streets, street lighting, taxation and budget making, forms of municipal government, rapid transit and water supply.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Municipal Association of Cleveland has appointed a committee to make an investigation of the question of local self-government for cities, with reference to the work of the Ohio Constitutional Convention, which meets in January, 1912. The committee consists of Prof. A. R. Hatton of Western Reserve University, Newton D. Baker, L. H. Britton, A. J. Zaehr, James R. Garfield, T. P. Robbins and Warren S. Stone.

A temporary injunction granted by the United States Circuit Court enjoining the city of Denver, Col., from issuing $8,000,000 bonds and taking other steps for the installation of a municipal water system has been upheld in a decision handed down by Judge Hook in the United States Circuit Court of Appeals. The New York Trust Company, holder of the first mortgage bonds of the Denver Water Company, alleged that the building of a new plant would amount to a confiscation of property without due process of law.

"Fifteen Years of Civic History" is the title of a recently published record of the activities of the Civic Club of Allegheny County, Pittsburgh, Pa., from its organization in 1895 through December, 1910.

The *Atlantic Monthly* for April, 1911, contained an interesting article by ex-Mayor George B. McClellan of New York City on "The Tendency of Municipal Government in the United States." His chief thesis is that the extravagant tendency of the American city is "due to causes far more subtle and far more complicated than corrupt officials, dishonest bosses, or rotten political machines." It is due largely, he believes, to the fact that of those voters who control the spending authority only about four per cent are the taxpayers who provide the bulk of the city's income.

A series of interesting articles on "Aspects of Public Ownership" by Sydney Brooks is being printed in the current issues of the *North American Review*.

The Research Council of New York has issued, under the editorship of James B. Reynolds, a *Civic Bibliography for Greater New York* (Charities Publication Committee, 1911, pp. 296). It includes books and magazine articles relating to every branch of metropolitan govern-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ment and is provided with a good index. Every book and magazine mentioned in the list is to be had in one of the New York libraries.

The Civic League of St. Louis has compiled and issued a forty-page pamphlet entitled *A Directory of Civic and Business Associations in St. Louis*. Information is given concerning the purposes of each organization, its dues, its headquarters and the names and addresses of its principal officers. In scope it includes all organizations which exist primarily for civic betterment and all commercial or social organizations which take an interest in public affairs.

The Bureau of Economy and Efficiency recently established in Milwaukee has issued its first two bulletins. One sets forth the plan, purposes and methods of the Bureau; the other is devoted to a study of Alarm Telegraph Systems.

A fifty-page pamphlet on *The Prevention of Fire* issued by the Boston Chamber of Commerce forms a useful contribution to the rather meager data yet available on this subject. It contains some valuable statistical tables showing annual fire losses in European and American cities.

At the last session of the Massachusetts Legislature a resolve was adopted authorizing the governor to appoint a Metropolitan Plan Commission of three members. This Commission is given the duty of preparing a comprehensive project for the better coördination, other than by political consolidation, of the cities and towns in the Boston Metropolitan area. The members of the commission are Mr. Edward A. Filene, chairman, Messrs. J. Randolph Coolidge, Jr., and John Nolen. It is expected that their report will be presented to the next Legislature.

Municipal matters have had considerable attention from the voters of Maine during the past few months. Following the recent fire in Bangor the municipal authorities, against great opposition, have adopted in full the plans of an expert for the rebuilding of the burned district, which provide in part for the widening of the streets and the grouping of the public buildings.

At an election on September 11, it was decided by the voters of Maine that the capital of the state should be forever located at Augusta.

At the same election the question of permitting cities of over 40,000

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

population (which applies to Portland alone) to raise their debt limit to seven and one-half per cent of their total valuation, was submitted to the voters. It carried by a fair majority.

Gardiner, Me., by a vote of 723 to 181, adopted a new city charter providing for the commission form of government. The commission is composed of three men. It is the first city in Maine to adopt the commission form of government. On October 1 the voters of Waterville defeated the adoption of a new city charter providing for the commission form of government by a vote of 919 to 755.

The William H. Baldwin prize of $100 annually awarded by the National Municipal League will be offered this year for the best essay on "The Appointment of Higher Municipal Officers by the Merit System." Competition is open to undergraduate students in any American college or university which offers distinct and independent instruction in municipal government. Essays must not exceed 10,000 words and must be sent, not later than March 15, 1912, to Hon. Clinton Rogers Woodruff, secretary of the League, Philadelphia, from whom further information concerning the terms of the competition may be obtained.

The city authorities of New York held their second annual budget exhibit during the first week of October. The exposition portrayed every department of municipal activity and lectures were given daily by the head or representative of some one of the city departments.

Delegates representing the property-owning companies and organizations of New York City are to have a convention on October 17 to organize a movement against the steadily increasing tax burdens which are being levied upon real estate in the greater city.

A commission of fifteen members has been appointed by the District Court to draft a new city charter for Minneapolis.

A movement is under way in St. Louis to federate all the public welfare organizations of the city under the leadership of a central committee. The Central Council of Civic Organizations, composed of delegates from about thirty of these bodies has been formed as the first step.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The City Council of Cleveland has voted to submit at the next election the question of a two-million-dollar bond issue for the construction of a municipal electric light and power plant. The proposal has received endorsement from the leaders of both political parties.

Delegates to a constitutional convention for the State of Ohio will be elected at the November elections. The convention itself will meet in January. In preparation for it the Municipal Association of Cleveland is preparing a digest of state constitutions.

At the Philadelphia municipal primaries on September 30, George H. Earle, Jr., the so-called "Penrose Candidate," was nominated for mayor on the Republican ticket, and Rudolph Blankenburg on the Keystone and Democratic tickets.[1]

[1] For several of the items printed in the foregoing pages I am indebted to Prof. J. A. Fairlie of the University of Illinois and Prof. O. C. Hormell of Bowdoin College.—W. B. M.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NEWS AND NOTES: PERSONAL AND BIBLIOGRAPHICAL

EDITED BY W. F. DODD

The eighth annual meeting of The American Political Science Association will be held December 27 to December 30 at Buffalo and Toronto, the last day of the session being in the latter city. The American Historical Association will hold its annual meeting at the same time at Buffalo and Ithaca, the last day being in the latter city. The programme of The American Political Science Association, together with information as to railroad rates and hotel accommodations, will be mailed to the members of the Association early in December. As thus far arranged the programme of the American Political Science Association will be as follows. Wednesday evening, December 27, annual addresses of the presidents of the two associations. Thursday forenoon, December 28, Relations of the Courts to Legislation, the principal paper being by Prof. E. S. Corwin of Princeton University. This paper will be discussed by Prof. Roscoe Pound, Judge Emlin McClain and Professor Freund. On Thursday afternoon, December 28, the topic will be recent Constitutional Developments. Dr. K. C. Babcock will discuss the proposed Constitutions of Arizona and New Mexico; Mr. J. P. Dunn the Proposed Indiana Constitution; and Mr. J. Q. Dealey the Trend of Recent Constitutional Changes. On Thursday evening, December 28, the Relation of City and County Governments in the United States will furnish topics for papers by Prof. O. C. Hormell of Bowdoin College, Mr. A. C. Ludington of New York City, Mr. Roger N. Baldwin of St. Louis, Mr. F. D. Bramhall of the University of Chicago, and Mr. Percy Long of San Francisco. On Friday morning, December 29, a joint session with The American Historical Association will be held, the titles for the papers at this session not being yet determined. Friday afternoon, December 29, a paper on The Reorganization of State Governments will be read by Mr. Herbert Croly and discussed by Prof. W. A. Schaper of the University of Minnesota, Mr. W. S. U'Ren, of Salem, Ore., and others. The business meeting of the Association will be held Friday evening, December 29. The programme for the meetings on Saturday, December 30, has not been decided as yet.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Dean Charles Noble Gregory of the State University of Iowa Law School, has accepted the position of dean of the School of Law of George Washington University.

Dr. Arnold B. Hall of the University of Wisconsin has been promoted to an associate professorship in that institution.

Prof. J. W. Jenks of Cornell University is upon leave of absence for the year 1911–12.

Among the recent numbers of the Columbia University Studies in History, Economics and Public Law, are the following: *A Survey of Constitutional Development in China*, by Hawkling S. Yen; *Ohio Politics During the Civil War Period*, by George H. Porter; *The Territorial Basis of Government Under the State Constitutions*, by Alfred Z. Reed; *New Jersey as a Royal Province*, by Edgar J. Fisher; and *British Consuls in the Confederacy*, by Milledge S. Bonham.

Among the books recently issued, or announced for fall publication, are the following: *Social Reform and the Constitution*, by Frank J. Goodnow (Macmillan); *The Presidential Campaign of 1860*, by Emerson D. Fite (Macmillan); *The Relations of the United States and Spain —The Spanish-American War*, by F. E. Chadwick (Scribners); *Referendum in America*, new edition, by E. P. Oberholtzer (Scribners); *The Law of the Employment of Labor*, by L. D. Clark (Macmillan); *Intellectual and Political Currents in the Far East*, by Paul S. Reinsch (Houghton, Mifflin); *Short Ballot Principles*, by Richard S. Childs (Houghton, Mifflin); *History and Organization of Criminal Statistics in the United States*, by Louis N. Robinson (Houghton, Mifflin); *The New Italy*, an exposition of its present political and social conditions, by Frederico Garlando (Putnam); *The President's Cabinet*, by Henry Barrett Learned (Yale University Press); *International Arbitration and Procedure*, by Robert C. Morris (Yale University Press); *Woman's Part in Government*, by W. H. Allen (Dodd, Mead); *The History and Problems of Organized Labor*, by Frank T. Carlton (Heath).

Arthur Irving Andrews, Ph.D., at present assistant professor of European History at Simmons College, Boston, has become associate professor of history and Public Law at Tufts College. Professor Andrews will, however, continue his course in Modern European History at Simmons College during the year 1911–12.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Modern World is the title of a new monthly journal, published in Madras, India, and edited by V. Mangalvedkar, and devoted to politics, literature and philosophy. The first number appeared in August of this year.

The Houghton, Mifflin Company have issued a new edition of John Fiske's *American Political Ideas* (Cambridge: 1911, pp. 196). Doctor Fiske's address, "The Story of a New England Town," is included, and a valuable biographical and critical introduction furnished by John Spencer Clark.

Volume XI of the Publications of the Mississippi Historical Society (University, Miss.) contains, among other papers, six chapters dealing with reconstruction in various counties of the state. The editor, Prof. Franklin L. Riley, contributes a paper upon "The Mississippi River as a Political Factor in American History."

Ginn & Co., publishers for the World Peace Foundation, have issued, under the title of *The First Book of World Law* (Boston: 1911, pp. 308) a compilation of the various existing international conventions to which the principal nations of the world are signatory, each convention being introduced by a brief note indicating its significance. The intended and resulting effect is to show to how considerable an extent world organization and world harmony of action has already been realized. The volume, as the author, Mr. R. L. Bridgman, points out, logically follows his earlier book *World Organization*, in which demonstration was made of the existence of an unwritten world constitution with mighty forces operating upon all parts of the human race. The volume also supplements in a documentary manner, Reinsch's *Public International Unions*.

The New York Commission on Employers' Liability issued second and third reports in April (Albany: J. B. Lyon Company). The second report which is accompanied by a volume of minutes of evidence deals with the causes and prevention of industrial accidents (pp. 116 and 307). The third report deals with the subject of unemployment and lack of farm labor (pp. 245).

Dr. Hans Wehberg's *Kommentar zu dem Haager Abkommen betreffend die friedliche Erledigung internationaler Streitigkeiten* (Tübingen:

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

J. C. B. Mohr, 1911, pp. 185) is published as a supplement to the *Archiv des oeffentliches Rechts.*

The Revue des Sciences Politiques (Paris: Alcan) is a continuation of the *Annales des Sciences Politiques*, edited by the professors of the École Libre des Sciences Politiques. The change of name comes with the first number of 1911, but apparently there is to be no change in the scope or editorial policy of the journal.

The *Papers and Proceedings* of the fourth annual meeting of the Minnesota Academy of Social Sciences deal with the three topics of criminal law and criminology, water supply, and workmen's compensation (pp. 241, vii). The discussions of all of these subjects are interesting and valuable, but perhaps the most important papers are those dealing with the subject of workmen's compensation.

King & Son of London have recently published under the title of *Nationalities and Subject Races* (London: pp. xii, 198) the report of a conference held at Westminster, June 28–30, 1910, under the auspices of the Nationalities and Subject Races Committee. The object of this committee is the defence of nationalities and subject races, and the volume under consideration deals, mainly, with the conditions in Egypt, India, Morocco, Finland, Persia, Georgia, Ireland and Poland. The volume contains little that is of value.

Prof. James Parker Hall's *Constitutional Law* (La Salle Extension University, Chicago: 1911, pp. xiv, 457), which was originally issued as volume XII of a series entitled *American Law and Procedure*, has now been issued as an independent volume with a table of cases and an index. In its new form Professor Hall's volume should find use as a text-book, for it is at present the best brief work dealing with the subject. The work will be reviewed in a later issue.

William H. Atwell's *Treatise on Federal Criminal Law* (Chicago: Flood, 1911, pp. 451) is primarily an annotated edition of the new federal criminal code, although the chapter divisions are not the same as those in the code. The work of annotation seems to have been well done, and in parts the volume has the aspects of a treatise rather than that of a mere annotated text. Students of constitutional law will be interested in the chapters on the United States Constitution, offenses against the existence of the government, offenses against

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

neutrality, offenses against the elective franchise and civil rights of citizens, offenses against foreign and interstate commerce, and the slave trade and peonage.

The July, 1911, number of the Annals of the *American Academy of Political and Social Science* was devoted to the subject of risks in modern industry. The number contains valuable articles on the subject of workmen's compensation.

The Ohio Legislative Reference Department has issued publications entitled: *Public Service Commission Laws* (pp. 18), a comparison of public utility legislation prepared by Mr. John A. Lapp; *Regulation of Public Utility Bills*, by Allen Ripley Foot; *Workmen's Compensation or Insurance Against Loss of Wages Arising Out of Industrial Accidents*, an address by James Harrington Boyd (pp. 49); and *Initiative and Referendum*, compiled by C. B. Galbreath (new edition, pp. 79).

Dr. Karl Strupp has brought together in a two-volume collection the leading treaties and other documents bearing upon the history of international law: *Urkunden zur Geschichte des Völkerrechts* (Gotha: Perthes, 2 vols., 1911). The first volume covers the period down to 1878, and the second that from 1878 to the present time. The texts of treaties and other documents are annotated by references to the works of writers on international law.

A conference on the reform of the criminal law and procedure was held in New York City, May 12 and 13, under the auspices of the Academy of Political Science, and the proceedings of this conference have now been published by the Academy (Columbia University: New York, pp. 529–739). Among the more important papers are: Responsibility for Crime by Corporations, by Arthur W. Machen; The Difficulties of Extradition, by John Basset Moore; The Effects of the Twice-in-Jeopardy Principle in Criminal Trials, by Charles C. Nott, Jr.; and Criminal Law Reform in England and the United States, by Edwin R. Keedy.

An imperial conference of the British self-governing colonies was held in London, May 23–June 20, and was attended by the prime ministers and by other officers of all the self-governing colonies.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Perhaps the most important results of the conference were the resolutions favoring a more important share by the dominions in international negotiations which may affect them. The discussion of a proposed imperial court of appeals was also important. Everyone interested in the British imperial organization and development will find much of value in the official report of the conference. (Minutes of Proceedings of the Imperial Conference: 1911, pp. 441. [cd. 5745]. Précis of the Proceedings. pp. 85. [cd. 5741]. Papers laid before the Conference. [cd. 5746–1 and 5746–2].)

Le droit international codifié et sa sanction juridique (Paris: Pedone, 1911) is a translation into French by Charles Antoine of the fourth edition of Pasquale Fiore's well-known *Diritto Internazionale Codificato.* An earlier French translation had been made of the first edition of this work, which appeared in 1889, but the fourth edition of Fiore's Code contains so much that is new that a new translation has been considered advisable. In its French form the book will probably find more users in the United States than in the original Italian edition.

Prof. Max Fleischman began several years ago the preparation of a new edition of Baron von Stengel's well-known dictionary of German administrative law, and the first volume of the new edition has recently been completed. The work has been expanded so as to cover the whole field of German public law and appears under the title of *Wörterbuch des Deutschen Staats-und Verwaltungsrechts* (J. C. B. Mohr: Tübingen, 1911, Vol. I, A–F).

A second and very much enlarged edition has recently appeared of Prof. Edmund Bernatziks's *Oesterreichischen Verfassungsgesetze* (Vienna: Manz, 1911, pp. xxvi, 1160). The editor has greatly enlarged the part of the collection devoted to the Austrian imperial constitution, has added a number of documents dealing with the relations between Austria and Hungary, and devotes about one hundred and fifty pages to the provincial fundamental laws. In its enlarged form the work is practically a new one, and it presents all of the documents necessary for an understanding of Austro-Hungarian constitutional developments. Notes to the various texts add to the usefulness of the work, which will be indispensable to students of Austrian constitutional history and public law.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In 1907 Léon Duguit published the first edition of his *Manuel de droit constitutionnel*, which, while intended as a manual for students, really constituted an important contribution to the literature of the subject. This volume was of too advanced a character to be used by students, and the recently issued second edition of the book omits much which was in the first and seeks to adapt it more definitely to the purpose for which it was intended (Paris: Fontemoing, 1911, pp. 469). At the same time M. Duguit has prepared and published a larger *Traité de droit constitutionnel* (Paris: Fontemoing, 1911, 2 vols.), which embodies his more advanced studies in this field. M. Duguit's *Traité* will be reviewed in a later number of this REVIEW.

"The Appointment of Higher Municipal Officers by the Merit System" will be the subject of the next competition for the William M. Baldwin prize of $100, conducted under the direction of the National Municipal League. The competition is limited to undergraduates in a regular course in any college or university in the United States which offers distinct instruction in municipal government. The essays are limited to 10,000 words in length, and must be sent in duplicate not later than March 15, 1912, to Clinton Rogers Woodruff, secretary, North American Building, Philadelphia. In the announcement of this competition it is pointed out that certain phases of the subject must be thoroughly discussed: (a) The reasons for the employment of experts in municipal work; (b) the proper position and tenure of experts in the service of a city; (c) the extent to which the merit system is applicable in the selection and retention of experts; and (d) a practical application of the conclusions reached by the essayist to some American municipality, showing the changes in organization and authority which would be required.

In the February number we announced the gift of $10,000,000 by Andrew Carnegie to found the Endowment for International Peace. At meetings of the board of twenty-eight trustees, designated by Mr. Carnegie, and of the executive committee, officers have been elected, by-laws adopted, and plans for the permanent organization and methods of the Endowment have been approved. Hon. Elihu Root is the president, Hon. Joseph H. Choate, vice-president, Hon. James Brown Scott, secretary, and Mr. Walter M. Gilbert, treasurer. The executive committee consists of the president, the secretary, and Dr. Nicholas Murray Butler, Hon. John W. Foster, Hon. Andrew

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

J. Montague, Dr. Henry S. Pritchett and Hon. Charlemagne Tower.

The headquarters of the Endowment have been established at No. 2 Jackson Place, Washington, D. C. The trustees have divided the work it is proposed to undertake into three divisions: the Division of International Law, of which Dr. James Brown Scott has been appointed director, in addition to his duties as secretary of the Endowment; the Division of Economics and History, of which Prof. John Bates Clark, formerly of Columbia University, is director; and the Division of Intercourse and Education, of which Dr. Nicholas Murray Butler has been appointed acting director. The trustees have also appointed Mr. S. N. D. North, formerly director of the Census, statistician of the Endowment, and George A. Finch, chief clerk; and a small force of translators and stenographers is already at work.

It is plain, from the plans thus outlined, that this institution is to devote its energies very largely to scientific research into what may be described as the causes and the effects of international wars, and the remedies and methods which present themselves or may be created for the preservation of international peace. In the development of these plans the work of the Division of International Law is fundamental and all-important. It will seek, by study, by conferences, by aiding negotiations, to promote the development of a code of international law such as will meet, with constantly growing adequacy, the needs of the nations of the world in their juristic relations to each other. It contemplates the hastening approach of a time when the enlarging principles and value of international law will be so clearly apprehended, and so widely comprehensive that the settlement of international disputes and differences in accordance with their terms will become the unvarying practice of civilized nations. In the pursuit of this end there will be associated with Doctor Scott a consultative board of some of the most distinguished international lawyers of the world. The point of view of each great nation will be represented in their councils, and the results to be arrived at will be the joint work of every school and of every language. Doctor Scott is now on a brief visit to Europe, for the purpose of arranging the personnel and developing the plans of this consultative board.

The Division of Economics and History has already taken a long step in the organization of its branch of investigation. By direction of the trustees, its chief, Professor Clark, went abroad in the early summer and organized at Berne, Switzerland, a conference partici-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

pated in by some seventeen of the best known economists and publicists of ten leading nations. This conference was in session for ten days; and as a result of an earnest interchange of views, it unanimously agreed upon a declaration of purpose and method, which will shortly be officially announced. It includes a systematic investigation of economic causes and effects of war; the effects upon the public opinion of nations of retaliatory, discriminating and preferential tariffs; the economic aspects of the present huge expenditures for military and naval purposes, and the relations between military expenditures and international well-being and the world wide program for social improvement and reform which is held in waiting for lack of means for its execution. The purpose is to seek the formulation of conclusions based upon studies so exhaustive and so authoritative that they will necessarily serve for the guidance of governmental policy; and here again, the work, instead of being national or representative of distinctively American opinion, will embody the combined and composite conclusions of the best economic thought of the world. As stated by President Butler at the Mohonk Conference last May, the work of this Division of the Endowment "may well result, within a measurable period, in broadening the study and the teaching of political economy everywhere; it will help to bring about a new conception of history, and to establish new tests of effectiveness in the teaching of it."

The function of the Division of Intercourse and Education has been well described by President Butler, who consents for the present to take charge of it, as one "to supplement the work of the other two divisions,"—which are technically the scientific divisions,—"by carrying forward vigorously, and in co-operation with existing agencies, the educational work of propaganda, of international hospitality, and of promoting international friendship. It will make practical application of the teachings and findings of the Divisions of International Law and of Economics and History."

THE PRESIDENT'S COMMISSION ON ECONOMY AND EFFICIENCY

Great interest attaches to the work now under way looking to a thorough investigation of the organization, activities, and methods of business of the national government. This investigation was authorized by the Sundry Civil Appropriation Act for 1911, approved

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

June 24, 1910, which placed at the disposal of the president the sum of $100,000 to enable him: "by the employment of accountants and experts from official and private life, to more effectively inquire into the methods of transacting the public business of the government in the several executive departments and other government establishments, with the view of inaugurating new or changing old methods of transacting such public business so as to attain greater efficiency and economy therein and to ascertain and recommend to Congress what changes in law may be necessary to carry into effect such results of his inquiry as cannot be carried into effect by executive action alone."

This sum was later augmented by a further appropriation of $75,000 contained in the Sundry Civil Appropriation Act of 1912, approved March 4, 1911.

To perform this obligation the president has created a commission known as "The President's Commission on Economy and Efficiency." It is composed of Dr. Frederick A. Cleveland, one of the directors of the New York Bureau of Municipal Research and well-known for his work in the field of government accounting, as president of the Commission, Mr. W. F. Willoughby, assistant director of the Census, Judge W. W. Warwick, examiner of accounts for the Panama Canal Commission, Prof. Frank J. Goodnow, dean of the Department of Political Science of Columbia University and Mr. Harvey S. Chase, head of the leading firm of expert accountants in New England, as commissioners and Mr. Merritt O. Chance, auditor for the Post Office Department, as secretary.

The composition of this Commission ensures that every phase of government business will receive due attention. In a general way the work of the Commission falls under the four heads of accounting and reporting, organization, personnel, and business methods. All of the accounting methods of the government have been subjected to detailed examination, and on the basis of the information thus secured there has been worked out a new system of accounting and financial reports that will be uniform, as regards its fundamental principles throughout the government. This matter has been reported upon by the Commission and its recommendations have been approved by the president and orders given to the several departments immediately to enter upon its installation. Its most important feature is that it calls for the keeping of accounts and the rendering of financial reports in such a way that expenditures will be shown in terms of objects for which made, services operated and work performed,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

something which the accounts of the government have never heretofore done.

In the field of organization the Commission has nearly completed the preparation of an outline of the organization of the government that will show not only every organization unit such as a bureau, division, section, etc., but every subordinate unit, such as a library, laboratory, workshop, blueprint room, etc., and every station or post throughout the world at which the government maintains an officer or is performing activities. Through the study of this outline it is possible to determine points at which duplication of plants, offices, stations, etc., occurs or features in respect to which economy or increased efficiency may be realized by establishing co-operative relations between bureaus instead of each maintaining its own independent service.

While these studies are in progress the methods of business, such as the making of purchases, conducting of correspondence, maintenance of files, use of the most approved labor-saving devices, etc., are being investigated and a careful study is being prosecuted into all matters having to do with personnel, such as the classification, compensation, leave privileges, etc., of employees, superannuation and retirement systems. A very important part of this study will be a thorough inquiry into the practical workings of the civil service laws.

Present appropriations provide for the needs of the Commission until June 30, 1912. The magnitude of the task before the Commission is such, however, that much will undoubtedly remain to be done on that date, and it is very much to be hoped that the life of the Commission will be extended as long as work of value remains to be done. The reformation of an organization of the size and complexity of the national government cannot be accomplished in one year or two years. Indeed, it is a question whether a commission such as the present one should not be kept continuously at work.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BOOK REVIEWS

Rhodian Sea-Law. Edited from the manuscripts by WALTER ASHBURNER. (Oxford: Clarendon Press, 1909. Pp. ccxciii, 132.)

The object of the present editor of the Rhodian Sea-Law is to scrutinize the original texts and to make a detailed exegesis of their subject-matter. With this object in mind he has provided a critical apparatus that will enable the earnest student to form his own text. All the material variants of all the independent manuscripts are set forth—a peculiarly helpful editorial service in the case of manuscripts containing so many passages to which no satisfactory explanation can be given. The legal effect of the provisions of the Sea-Law, and their relation both to the Roman law and to the Mediterranean maritime law of the Middle Ages are fully discussed. The origin of the brief treatise, called by us Rhodian Sea-Law, is uncertain. Of the various examples of Byzantine jurisprudence which have survived, none is found in so many separate manuscripts, although the manuscripts vary considerably both as regards the title and the subject-matter. The present editor painstakingly compares the internal and external evidence as to the origin of the treatise, and frankly says of his "conclusions," "no one who has read the evidence will fail to perceive how much guesswork there is in them." He considers that in its present form the Sea-Law was probably put together by a private hand, as opposed to a work of legislative authority, between A. D. 600 and A. D. 800. Unlike Zacharia, he sees no reason for connecting it in any way with the Ecloga. Because Part III of the Sea-Law and Book LIII of the Basilica fit in together and form a complete body of maritime law, while each taken separately is imperfect, Mr. Ashburner infers that a second edition of the Sea-Law was made either by or under the direction of the men who compiled the Basilica. The great difficulty with this hypothesis is that the Sea-Law is often found in conjunction with two other little treatises: the Farmer's Law and the Soldier's Law (or law concerning military punishment); neither of which has any connection with the Basilica. But the juxtaposition

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of these three treatises in the manuscripts gives little or no help in solving the problem of origin because they are entirely distinct in character. The Soldier's Law is largely a paraphrase of passages in the Digest and Code, while the Farmer's Law besides being written in a very different style from the Sea-Law refers to judicial authorities not mentioned in the latter work. All the existing texts represent in substance the second, or Basilica, edition—what Mr. Ashburner calls the vulgate—but there are traces of the earlier edition (even of the texts out of which it was composed), for the Sea-Law was "put together from material of very different epochs and characters. Some of it was possibly from treatises in the nature of a 'Complete Merchant,' guides to a gentleman engaging in business (c. II). Other parts may come from enactments of Byzantine Caesars; but the mass of it must be derived from local customs. Some provisions which originally had nothing to do with maritime affairs have been doctored in order to bring them within the purview of the Sea-Law. There are traces of a South Italian origin for some of the chapters" (p. cxiii).

The Sea-Law never appears by itself in the manuscripts. It is always found in conjunction with other treatises of civil or ecclesiastical law. The editor describes some thirty manuscripts which he has examined and made use of in forming his text of the Sea-Law, and estimates their value from several points of view. He also deals briefly with the other manuscripts known to him in Italy, France, Spain, Netherlands, Germany, Austria, Russia, Greece and the East. Beginning with Schard's text of 1561, he describes the different printed texts of the Sea-Law that have appeared. It was printed four times in the nineteenth century. The first time by Pardessus whose text is in substance that of Leunclavius. His critical apparatus gives the readings of Heinsius' manuscript and of four Paris manuscripts. These Paris manuscripts were collated for Pardessus, says Mr. Ashburner by "two young and incompetent friends." Heimbach was the next to publish the Sea-Law and he merely reprinted the text of Pardessus. Zacharia published the Sea-Law as title forty of the Ecloga ad Prochiron Mutata in which the present editor says "the text of the Sea-Law is largely altered, and Zacharia has based his text upon a late and bad manuscript (Paris, graecus 1720)." Of the manuscript transcribed and published by Ferrini and Mercati in 1897 in their second supplement to Heimbach's edition of the Basilica, Mr. Ashburner says that this text of the Sea-Law (from a tenth cen-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tury palimpsest on parchment) is "probably the oldest and the best manuscript." He remarks "when I saw the manuscript (June, 1906) the under hand was so faint—no doubt in consequence of the chemicals used to bring it out—that it was impossible for me to read more than a word here and there. I have therefore had to rely, not without misgivings, on the published transcript" (p. xvii). He believes that this "text of the palimpsest is genuine." The strange error of Ferrini and Mercati in collating another manuscript of the Sea-Law in the Ambrosian library (a worm eaten paper book of 293 pages of the early fourteenth century), and describing it as giving "recensionem optimam," etc., causes Mr. Ashburner to observe, "It must be admitted that two entirely different recensions of the same book cannot both be "optimae." If one represents the genuine text, the other must represent a depraved text" (p. xlv). After stating that these texts "differ as widely as any two texts of the same book can differ," the editor adds that this extravagant language of Ferrini and Mercati as to the early fourteenth text was undoubtedly responsible for leading astray M. R. Dareste, whose Greek text, translation and commentary of the Sea-Law, published in 1906, is based on this later text which he confuses with the tenth century palimpsest on parchment in the Ambrosian library, and describes as "le plus ancien et le meilleur." It is not surprising, therefore, that Mr. Ashburner felt that a painstaking comparative study of all the principal texts of the Sea-Law would be welcomed. In the construction of his text he confesses to "a frank electicism in the matter. I have followed on the whole the oldest manuscripts, but I have adopted readings from later manuscripts, as I have made conjectures of my own" (p. liii).

The "Introduction" of 293 pages, presents in addition to the examination of the texts and the problem of the origin of Sea-Law, a lengthy study as to the place of Sea-Law in the history of maritime law. This study of the relation of Sea-Law to the other monuments of maritime jurisprudence embraces the period between the fall of the Roman empire and the commercial renascence of the thirteenth century. To determine the legal meaning of the words in the Sea-Law in terms of contemporary conditions, the editor has studied the maritime statutes and customs of the mediaeval Mediterranean cities and such commercial documents as have come down to us. No statute goes back in its existing form before the middle of the twelfth century and few of the commercial documents are of an earlier date; as a consequence the editor is obliged constantly in his interpretation

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of the Sea-Law to refer to the Digest, Code and Basilica. In justification of this procedure, the editor says, "To avoid being charged with a lack of the historical spirit for attempting to illustrate a code of law by materials dating the oldest of them three hundred years after it was compiled, let me say this. The date at which a statute received its present shape is not necessarily the date of the law which it contains; and the form of a commercial document may easily be centuries older than the document itself. So long as the conditions which make the law remain unaltered, the law itself remains unaltered. Between the ninth and the thirteenth centuries there was probably less change in the conditions of commerce and navigation than there has been in the last twenty-five years." (p. cxv). The work of Mr. Ashburner bears every indication of most painstaking and sound scholarship; but the reviewer frankly confesses his inability to criticise this esoteric study.

G. W. Scott.

Sir Randal Cremer, His Life and Work. By Howard Evans. (Boston: Ginn & Co., Published for the International School of Peace, 1910. Pp. 356.)

There is an element of pathos, from our human viewpoint, in the fact that the sowers in the fields of social reform are seldom the reapers. "I am in such a hurry, but God isn't," said one earnest reformer, expressing thus the common feeling of his class. But when the crop is grown and the harvest is in sight, the reapers recall with gratitude their predecessors who prepared the soil and sowed the seed. One of the ever-memorable sowers in the field of international peace and justice, was Randal Cremer; but to him was given the rare privilege of sowing seed which his eyes should behold ripening unto the harvest.

Cremer's life of fourscore years stretched from the reign of George IV nearly to that of George V (1828–1908), from the nefarious activities of the Holy Alliance to the beneficent activities of the Hague Conferences. The son of a working man who deserted his family in the boy's infancy, he knew dire poverty and had but little schooling. As pitch boy in a ship yard at the age of twelve, he worked twelve hours a day and received two shillings for his weekly wage. From fifteen to twenty-one he was apprenticed to a builder in his Hampshire birthplace; he then removed to London and took part, as a

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

journeyman carpenter, in the laborers' agitations of the fifties and sixties for a nine-hour day and the establishment of the trades-unions and the International Working Men's Association of 1865. When this last named society became revolutionary in its spirit and methods, Cremer, the man of study, yielded to the men of strife and dropped quietly out of it. This early acquaintance with the labor leaders in England, France and Germany stood him in good stead, however, when he entered on his task of organizing international peace.

Meanwhile Cremer learned that parliamentary reform must precede real progress in national and international affairs alike; accordingly, in 1864, with the aid of Garibaldi's visit to London, he founded the Reform League, which, demanding manhood suffrage and vote by ballot, did its part in procuring the passage of the second Reform Act. Before this triumph was gained, Cremer "stood" for Parliament in the Borough of Warwick, and was overwhelmingly defeated by a coalition of the Liberals and Conservatives against the Radicals; six years later he was again left at the bottom of Warwick's poll, and was twice defeated in the interim for London's School Board. Twenty years after his first attempt in Warwick (1885), Cremer was elected to Parliament for the working-man's borough of Haggerston (London), and it is of interest that Andrew Carnegie was one of the contributors to his first successful election fund, which amounted to less than £300. Reëlected in 1886 and 1892, he was defeated in 1895 by a majority of only 31 out of 5,500 votes; regaining his seat in 1900,—despite his fearless opposition to the Boer War which was raging at the time of the election,—he retained it, with one reëlection, until his death.

But it is not Cremer's career in the British Parliament, highly honorable though it was, which has earned him enduring fame. He will be known chiefly as a worker in the cause of peace; and as a worker in this cause he will be known chiefly as the founder of the Interparliamentary Union and the promoter of international arbitration and international tribunals.

A vast amount of preliminary work had to be done before Cremer's *chêf d'œuvre* was accomplished. About the age of fifteen he heard his first address upon the subject of international peace and from that time he became devoted to its cause. As secretary of the Workmen's Committee, during the American Civil War, he issued addresses and organized a great meeting in London, which was addressed by John Bright, to sustain the sympathies of the laborers of England for the cause of Union and Freedom. Ten years later, as secretary of the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Workmen's Peace Association, he appealed to the workingmen of the United States to press upon their government the desirability of withdrawing its demand for indirect or consequential damages which at one time imperiled the Geneva Arbitration; and in the course of this address he voiced his ideal of a code of international law and an international tribunal for the peaceful settlement of all disputes between nations.

The realization of this ideal became his chief work during the last quarter-century of his life. His reliance for its triumph was upon the twofold power of the world's laboring men and of national parliaments or congresses. His constant message to the representatives of labor from the various countries with whom he came in contact was "the misery inflicted by the war system of Europe upon the industrial classes." When he gave the Nobel Prize of $8,000, which had been awarded him for his labors in behalf of peace, to trustees for the promotion of the peace cause, he stipulated that four of the five trustees and two thirds of the council of the League which controlled the fund should be workingmen, "because," he said, "the industrial classes are, for weal or woe, going to be the future rulers of the world."

The outbreak of the Franco-German War in 1870 caused Cremer to found a Workmen's Peace Association, whose object was "to insist upon arbitration as a substitute for war," and whose first important work was to draft an "outline of a plan for the establishment of a High Court of Nations." This plan was short and simple, and provided for a Court, in which "every separate and independent government" should be equally represented; which should draft a code of international law, and should have jurisdiction over *all*, but *only*, the "external relations of such governments"; and whose decisions should be enforced by the penalty of "International Outlawry," that is, by the suspension of diplomatic and commercial intercourse between the delinquent and the other governments.

Five years after its foundation, the Association, on Cremer's initiative, commenced international operations by holding a conference of working men in Paris. This conference advocated international arbitration and denounced "bloated armaments," and out of it grew the French Workmen's Peace Society and the International Arbitration League. Of this last organization, Cremer was secretary until his death.

From the very beginning of Cremer's parliamentary labors, he placed international peace in the fore-front of his efforts. His first

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

election manifesto, issued in 1865, contained the following Lincolnian passage: "Peace on earth and goodwill toward men has for eighteen hundred years been preached to the people; I shall be glad to work for its practical realization, and to that end shall support the establishment of international boards of arbitration to settle disputes among nations, so as to lead to a general disarmament of standing forces, and the establishment of an era of peace."

In the House of Commons and on countless popular platforms he did his utmost to stem the tide of militarism which ran strong in England at the time of the Franco-Prussian, Crimean, Afghan, Zulu, Egyptian and Boer wars. In 1887 he procured the signatures of 232 members of the House of Commons to a memorial to the President and Congress of the United States urging the adoption of a general treaty of arbitration between the two countries. He was a member and spokesman of the delegation of eleven M. P.'s and three English labor-leaders who presented this memorial to President Cleveland and the two houses of Congress, and participated in a series of public meetings held in a number of American cities in advocacy of its object. The concurrent resolution of Congress of 1888 inviting international arbitration was the direct result of this effort, and the first Pan-American treaty of arbitration was an indirect one.

This American example inspired a similar effort in France, and although an arbitration treaty did not immediately result from it, it did give rise to the foundation of the Interparliamentary Union. The epoch-making idea of this Union had been suggested a dozen years before (in 1875) by an Austro-Hungarian; but the realization of the idea was achieved by Cremer who was the organizer of the Union, its first vice-president, and its leading spirit until his death.

Five years elapsed after Cremer's first visit to the United States before he secured an opportunity to move in the House of Commons that the British Government should accept the American invitation to negotiate a treaty of arbitration; Sir John Lubbock supported the motion, and it was passed, in the modified form proposed by Gladstone, by unanimous vote. The treaty negotiated in response to this motion, and its rejection by the United States Senate, are now a matter of history; but, thanks to President Taft's splendid initiative, the first and best part of this history is just now repeating itself. Cremer made a second visit to the President and the Congress, this to present a petition signed by 345 M. P.'s in behalf of the treaty; he did a great deal to allay the excitement caused in England by Presi-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

dent Cleveland's Venezuelan message; he made a third visit to Washington, equipped with a memorial, in behalf of the treaty, signed by 5,359 officers of trades-unions and other laborers' organizations; and enlisted Free Church Englishmen to make an appeal to their *confrères* in America in support of the treaty.

For the fourth time, in 1904, Cremer came to America, and had the satisfaction of attending the Interparliamentary Union in St. Louis and the conference with President Roosevelt, out of which grew the summons of the second Hague Conference. The *entente cordiale* and the treaty of arbitration between England and France are also to be ascribed largely to years of effort on Cremer's part; and at the time of his death he had prepared a splendid address to German workingmen in behalf of Anglo-German arbitration, and had arranged for the remarkable meeting held in Berlin in connection with the Interparliamentary Union.

In the last years of Cremer's life he "bore his blushing honors thick upon him." Among these may be mentioned the Nobel Peace Prize, awarded him in 1903; the Cross of the Legion of Honor; the Star of the Order of St. Olav, of Norway; and knighthood, once declined, but at length accepted in recognition of the fact that a modern knight may be a knight in the cause of peace.

Such is a sketch of the life recorded in this interesting volume by an intimate friend and co-worker through many years, Mr. Howard Evans, a London journalist. The style of the book is plain and simple, as befits its subject, yet with an undertone of enthusiasm and with now and then a stirring passage. So intent is the biographer upon making clear and emphatic the work which his hero accomplished that he has neglected to give us a vivid picture of the man himself; but in the postmortem tributes paid him by others, this deficiency is partially supplied. Mr. Carnegie speaks of him as "the hero of civilization;" Sir William Harcourt refers to his "quiet and concentrated enthusiasm" and Count Apponyi to his "heart of pure gold which was all aglow in working for his fellowmen;" and his successor as secretary of the International Arbitration League, M. F. Madison, M. P., says that, "born in poverty, he enriched humanity." Perhaps this is as close to the *man* as we shall ever come; as Count Apponyi finely said, in an eulogium of him at the Berlin meeting of the Interparliamentary Union in 1908: "He took no pains to write his name in the annals of history, but he wished to perpetuate his ideas; he planted a tree beneath whose shade later generations will find rest and an

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

assured place.—His work is not of stone or bronze, it cannot be finished with one stroke; it is organic and grows slowly; when it blossoms it ceases to be personal."

WM. I. HULL.

War Rights on Land. By J. M. SPAIGHT. (London: Macmillan & Co., 1911. Pp. 520.)

Following the recent efforts to establish universal peace comes this new book on the Law of War. Francis D. Acland, who writes the preface to the volume, declares that by showing us the position we are in and whither we are moving such a book will hasten the day when war between nations as a means of settling disputes will be as much abandoned as trial by battle.

The author's justification for his book is the general neglect of the study of war law by both the soldier and the civilian. It is the duty of the soldier to know the principles of war law; and the civilian is warned that if ignorance of law is no excuse in time of peace, far less is it an excuse in time of war.

The book consists of fifteen chapters with the following titles: "Introduction," "The Commencement of Hostilities," "The Qualifications of Belligerents," "Hostilities—Means of Injuring the Enemy," "Hostilities—Sieges and Bombardments," "Spies," "Flags of Truce," "Armistices," "Capitulations," "Prisoners of War," "Military Authority over the Territory of the Hostile State—(1) Military Occupation: War Rights of the Occupant and of the Inhabitants," "(2) Requisitions, Contributions, Fines, and the Treatment of Property," "The Geneva Convention," "The Sanction of the Laws of War," "The Neutrality Convention." These chapter titles read very much like an ordinary text-book on International Law. The scope of the work, however, is limited to war rights on land, and the method of presentation is both instructive and entertaining.

The several articles of the two Hague Conventions have been made the basis of discussion in most of the chapters; but the author has supplemented his work with abundant historical data showing the interpretation in practice of the rules laid down for belligerents, as well as of points for which no settled rule has yet been established. The author's historical illustrations are largely taken from the wars since 1850.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In speaking of the American Civil War, the author makes acknowledgment of the important contributions which that struggle made toward the establishment of a definite code of war law as follows:—"Indeed, in many respects the Secession War is the most instructive of all wars to the student of International Law. Just as this war gave modern fighting many of its distinctive features—the cavalry screen, the use of rifle pits and wire-entanglements, the employment of mounted infantry, the attack by short advances under cover—so it gave belligerents the first written code of land war. This was the very remarkable manual of *Instructions for the Government of the Armies of the United States in the Field*, which was drawn up by Professor Lieber, on Mr. Lincoln's initiative, and which is not only the first, but the best book of regulations on the subject ever issued by an individual nation on its own initiative. Its principles and its philosophy are sound, elevated, and humane. In a few special points its detailed teachings have been modified by the subsequent action of International Conferences or the influence of changing ideas on usage, but, taken as a whole, it reads like an admirable paraphrase of the existing Hague *Réglement.*"

The book is of special interest to both students and teachers of International Law. Dealing with recent movements to mitigate the horrors of war by international agreements and illustrated by data of the most recent conflicts, its subject-matter is of general interest and is presented in an attractive narrative style throughout. The index is altogether inadequate.

FRANK EDWARD HORACK.

Capture in War on Land and Sea. By HANS WEHBERG, DR. JUR. Translated from *Das Beuterecht in Land und Seekriege.* With an introduction by JOHN M. ROBERTSON, M. P. (London: P. S. King & Son, 1911. Pp. xxxv, 210.)

The position of England, both in point of naval forces and merchant marine, has changed radically since the year 1785 when the United States first put forward, in its treaty with Prussia, the proposition that the law of prize at sea should be abolished. England is still the chief opponent of the American proposal, but it is clear that she cannot long hold out,—indeed it is only her adherence to traditional policy, Mr. Robertson thinks, which keeps her from seeing that her

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

interests, as Doctor Wehberg proves them to be, are all in favor of the proposed change in the law of war.

It is true that the motive of the United States in making the proposal has not been altogether based upon the *justice* of the abolition of the law of prize; in the first decades of its existence, and even as late as the Declaration of Paris, the United States was influenced by the fact that it had a small navy in proportion to its shipping interests. On the other hand, until the last quarter of the 19th century, the law of prize enabled England to bring her naval supremacy to bear heavily upon her enemies.

Now that the disproportion between the English fleet and those of other nations is rapidly decreasing, England is no longer in a position to inflict far greater injury upon her enemy by the law of prize than her enemy can inflict in turn. Add to this the fact that at the beginning of the 19th century England was able to live upon her own foodstuffs, whereas at the present day she could supply herself for not more than six or eight weeks before facing starvation, if her imports were cut off,—and it will be seen that England cannot safely trust to the chance of naval victory to secure her food supplies. It is true that food stuffs are only conditional contraband, and that it would be practically impossible to blockade the whole of the English coast, but these facts only affect neutrals, and England would thus be thrown back upon neutral commerce to furnish the larger part of her food supplies.

Doctor Wehberg has presented the facts of the law of prize in a clear and striking manner. His brief volume will be of especial value for the light which it throws upon the attitude of the great powers, when the subject of capture in war was presented to the first and second Hague Conferences; the policy of the great powers and the projects suggested by them form an instructive commentary on the conclusions reached by the Conference of 1907.

It is unfortunate that the translator, who in other respects has given a very readable version, was not more careful to obtain technical accuracy in the use of terms. "Manifesto" is used for "Declaration" (of Paris), p. 3; "compacts" for "convention," p. 8; "Convention" for "Declaration" (of London) p. 69, etc.

CHARLES G. FENWICK.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Party System. By HILAIRE BELLOC and CECIL CHESTERTON. (London: Stephen Swift, 1911. Pp. 226.)

Without any disparagement of Mr. Cecil Chesterton it can be said that it is Mr. Belloc's contribution to The Party System that gives it its value, because Mr. Belloc was of the House of Commons from 1906 to 1910. But both authors are thoroughly convinced of the insincerity and unreality of the game of politics, as they see it played; and they take the Veto Conference of last year as typical of the understanding that exists in what they describe as the governing group in the House of Commons—that is, the two front benches, the Treasury and the Front Opposition. If the view is accepted that there is an understanding between the leaders of the Liberals and the leaders of the Conservatives,—and there is some ground for it—that popular mandate or no mandate, democratic and social reform shall proceed only at a measured gait—a gait carefully regulated by the governing group—the Veto Conference of 1910 is an excellent instance of how this bipartisan understanding works. The Liberals in the Parliament elected in January, 1910, could not have retained office for a week without the support of the Nationalists and the Labor party. Yet neither of these groups was consulted before the Veto Conference was agreed upon between the Treasury and the Front Opposition benches; and neither Nationalist nor Labor party was represented in the Conference. There was no mandate for the Conference, and had the country realized that the election in January might result in a secret conference in which eight men of the governing group were to settle the issue with the Lords and then agree to force the settlement through Parliament, there would have been little enthusiasm for the Liberal party in the constituencies.

There is, however, nothing new in the Belloc-Chesterton discovery. An understanding that the gait of reform shall be slow and as little disturbing as practicable to vested political interests is at least as old as the Reform Act of 1832. It was in existence as long as the Whigs dominated Liberal Cabinets—a domination which survived at least to 1895; and an even better example of how the understanding worked than the Veto Conference of last year is to be found in the history of the great popular movement against the House of Lords in 1884. The Lords then rejected Gladstone's bill for the extension of the franchise. Immediately the popular figures in the Liberal party—Morley, Chamberlain, Bright and Dilke,—took to the platform and raised the cry

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that the House of Lords without delay must be "mended or ended." For months during the summer and autumn of 1884, England and Scotland were kept at white heat by these popular demonstrations against the Lords; but while the leaders of this movement were so engaged, Gladstone, Hartington and Granville and Salisbury and Sir Stafford Northcote—of the governing group of that day—were in conference, as may be read in Morey's "Gladstone," and Lang's "Earl of Idesleigh." So successful was their conference as regards safeguarding the House of Lords that the attack on it completely fizzled. It fizzled so miserably that Liberals and Radicals lost all hope of reform of the House of Lords and the movement was not renewed until the Lords rejected the Budget of 1909.

The Veto Conference of 1910, which so greatly incenses Messrs. Belloc and Chesterton, was only the afternoon teas in Downing Street and the secret midnight conference between Gladstone and Northcote at St. James's palace of November 12, 1884, over again in a slightly different form. Admittedly Liberals and Radicals in the constituencies who take politics seriously are used and then humbugged by the governing group. That was so in 1884; and there is reason to think that it would have been so as regards the Veto Conference if the Liberal party had not been dependent on the votes of the Nationalists and the Labor party. In 1884 there was no one to make the relations between the two front benches popularly known. The general histories say little about them; and they cannot be traced in any individual memoir of the period. The aim of the Belloc-Chesterton book is to analyze this understanding, how it comes into existence, how it is maintained, and how it is worked and to whom accrue the gains—offices, honors, political and social prestige and the like. The book is written with verve and with remarkable freedom. It might be described as audacious, for there is no withholding of names when the authors need instances of how the understanding works. There is much in it that is as obviously true as entries in the Journals of the House of Commons, that neither wing of the governing group could deny. Particularly true are the chapters which describe how the party system as now developed and worked from the center attaches the rank and file of members of the House of Commons to this or that wing of the governing group—attaches them as tenaciously as members were thirled to a Newcastle or a Dundas in the Unreformed House of Commons; how discussion in the House that might be inconvenient or embarrassing to the governing group is prevented; which detail and emphasize

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the barter and sale of peerages and baronetcies to the newly-rich; and trace the intimate family relationships—chiefly those of brother-in-law and cousin that serve to bind the governing group and make admission to it a matter of coöption. There is also much that is true with qualification; and there is some exaggeration. But the book was written from the inside. One of its authors has been through the mill of the Liberal Central Office in London—from which elections are managed—through the Liberal organization in a constituency, and of the House of Commons; and despite any drawbacks, the book embodies much that is valuable concerning party machinery, party finance, the making of official party programmes, the relation of political parties to the press, and the management of Parliamentary battalions in the years immediately preceding the contest between the Commons and the Lords of 1911.

EDWARD PORRITT.

Second Chambers. By J. A. R. MARRIOTT. (Oxford: Clarendon Press, 1910. Pp. viii, 312.)

The obvious timely interest with which this volume is invested by the impending reconstruction of the British House of Lords leads the author to explain that his book is offered to the public at the present time in the hope that it may contribute to the solution of the important problems involved in that movement. He wants it distinctly understood, nevertheless, that the present treatise is by no means a mere "livre de circumstance," but is a fragment of a larger work which has claimed much of his leisure for some years and will be published in its entirety within a reasonable time.

Mr. Marriott's expressed purpose is to supply facts tending to throw light upon the universal acceptance by civilized nations of the principle bi-cameral legislatures in the midst of great diversities of place and circumstances. This purpose he seeks to fulfill by the inductive process of describing the construction of modern constitutions and analyzing with great particularity the composition and functions of their upper legislative houses. Historical developments which seem to account for characteristic features of individual second chambers are carefully traced. Especial attention is directed to the experiences of those countries which have tried the experiment of uni-cameral legislatures, and to the influences which finally, in every instance,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

brought about a return to the bi-cameral form. In his analysis of each existing constitution, the author deals principally with the theory upon which the second chamber is constructed, the method by which its members are elected, its executive and judicial powers, its authority over revenue bills, and its relative strength and importance in comparison with the corresponding popular chamber.

Mr. Marriott's account of the United States Senate evidences an independent and satisfactory conception of that body's functions and powers. He points out that the Federal second chamber was the product of history and evolution, and not of a "happy accident" as Mr. Bryce and others have rather inaccurately described it. The legislative, judicial and executive powers of the Senate, in their actual working, as well as in legal theory, are in the main accurately set out and truly estimated. The statement on page 99 that two thirds of the senators present at an executive session must concur in presidential appointments as well as in the ratification of treaties may be regarded as a mere inadvertence. The American student, however, might venture to question the author's assertion that "the Senate has drawn to itself so much attention; it fills so large a space in the political life of the United States, that elections to the state legislatures are made largely, if not primarily, with a view to the election of Federal Senators." This generalization, though possibly applicable in a few instances or in certain localities, is hardly descriptive of the situation normally prevailing in the majority of the states.

The author's initial statement of the purpose of his book makes it clear at the outset that his interest is primarily in the House of Lords. Consequently, the reader is not wholly unprepared for the elaborateness of treatment accorded British and Colonial upper chambers. This same paramount interest distinctly influences the point of view from which he surveys the constitutions of the other countries. It reaches its culmination in the last and longest chapter of the book, wherein the author applies the results of his examination to the problem of reforming the House of Lords. This chapter is entitled "Some Comparisons and Conclusions and Constitutional Revision in England," and is decidedly the most interesting of all.

In the first place, Mr. Marriott is strongly of the opinion that a second chamber should be retained in England. After stating that "a bi-cameral system is necessary at least to the successful working of a genuinely federal system," he suggests that the House of Lords may be utilized to advantage for the purpose of satisfying the demand

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of the Responsible Colonies of the Empire for a "more clearly defined position in the imperial economy." This situation, he thinks, can be readily met by admitting colonial representatives to the existing second chamber, thus transforming that body into an Imperial Senate. But even if Great Britain is to remain, as it is now, a unitary state, he regards the retention of a second chamber as essential to the maintenance of the Constitution, whose unwritten and flexible character renders it especially dependent upon the protection thereby afforded.

In comparison with the other second chambers which he has reviewed, the House of Lords, Mr. Marriott concludes generally, is "at once the largest, the most purely hereditary, and the least powerful." Whether the latter attribute results from either or both of the former, however, he discreetly disclaims the competency to decide.

The concluding pages of this chapter contain a discussion of the various methods devised for the reformation of the House of Lords. The proposal to annihilate it altogether he lays aside as not being at present within the field of practical politics. The suggestion to limit the so-called "veto" of the Lords he regards as "hardly less repugnant to the settled judgment of the world." Such a measure to be at all effective must result in giving to England a written constitution. This would mean that "the whole constitution must be thrown into the melting pot," from which it "would emerge in a shape very different from the imaginings of the political witches who presided over the caldron." From an undertaking so novel and gigantic Mr. Marriott visibly shrinks.

A radical reform in the constitution or composition of the House of Lords he finds much more to his liking. This, at least, "runs counter neither to the teachings of world-wide experience nor to the traditions of the English Policy." Accordingly, he reviews in turn the numerous schemes of reform that have been from time to time brought forward, from the Parke Peerage Case to Lord Newton's Reform Bill of 1907 and the Report of the Select Committee (1908) thereby provided for. This important document Mr. Marriott examines in detail, and with obvious sympathy, though not "with uncritical and unquestioning assent." He especially favors the proposal to remedy the weaknesses arising from the unwieldy number and low average capacity of the Lords—"the root difficulty, not to say the scandal, of the existing situation." In fact, the principal objection that he offers to the report is that it does not go far enough in its proposed curtailment of the members. With the committee's "inadequate appreci-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ation of Colonial aspirations and their puerile provision for meeting them," he deals in the earlier part of the chapter.

Finally, he examines and rejects the proposal for a referendum, partly because of the weaknesses which he regards as inherent in the system, but principally on account of the fundamental changes in the entire constitution that would be made necessary by its adoption.

The work exhibits the marks of exhaustive and discriminating scholarship, and the candid, lively style in which it is written makes it thoroughly readable. Apart from its intrinsic value, it possesses especial interest as the apparently unbiased judgment of a competent English scholar upon a vastly important problem of British politics.

J. WALLACE BRYAN.

The Nature and Sources of the Law. By JOHN CHIPMAN GRAY. (New York: Columbia University Press, 1909. Pp. xii, 332.)

This volume comprises a series of lectures delivered by the author at Columbia University in 1908. It is not intended as a comprehensive treatise on jurisprudence since some of the difficult and important conceptions of that science, such as possession and ownership, for example, have been omitted. Its scope is limited to a treatment of the basic theories of the science as applied to the common law, with occasional comparisons to the civil law as exemplified in the law of Rome, of Germany, of France and of Scotland.

The work is divided into two parts, the first dealing with the nature and the second with the sources of the law. Legal rights and duties, persons, the state, the law, courts, the law of nations and jurisprudence are the topics treated in part one. In dealing with the state a real service is rendered by disposing of Austin's theory of sovereignty as irrelevant to the study of jurisprudence. In a political society, the author argues, there is the machinery of government, which, generally has certain legal limitations upon its actions and which, therefore, is not absolutely supreme. The real supreme rulers of a society are those who by one means or another actually dominate over the wills of their fellows. But who these rulers are is a complicated question of fact, very difficult, if at all possible to determine. The ideal entity of the state is postulated to create something to which this machinery of government may be attached. But to impose another entity, that

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of sovereignty, undiscoverable and intangible as it is, not only gains nothing, but "to introduce it is to place at the threshold of jurisprudence a very difficult, a purely academic and an irrelevant question." "The organs of government can be as directly referred to the state as they can be to the sovereign" (p. 77). The importance of the distinction between the law and the sources of the law is ably emphasized, confusion on this point having been one of the most fruitful sources of error among writers. The law is declared to be composed of the rules which the judicial organs "lay down for the determination of legal rights and duties" (p. 82).

The second part is devoted to a consideration of statutes, precedents, opinion of experts, customs and morality and equity. Consistently with his definition of law, the writer declares that statutes are not a part of the law, but only a source of law, since they require judicial construction before legal rights and duties can be determined. Perhaps the most noteworthy portion of the treatise is that which deals with the much mooted question of judicial precedents, as to whether they create law or merely declare it. A splendid exposition of the conflicting theories of Blackstone and Professor Hammond and Austin is here set forth and critically examined. The old analogy between the discovery of natural laws by scientists and the discovery of the laws of the state by judges is vigorously attacked on the ground that the first laws are eternal, existing independently of the will of man, while the laws of the state exist only by means of the will of man. The author's position is clear that the courts do create law, and this position is so ably fortified by argument and fact, that his conclusions seem irresistible.

The method of treatment is scientific. The writer continually insists that theories must conform to fact, and that jurisprudence is not a formal science. His chief concern is what the courts actually decide, not what they should decide nor what terminology they adopt. The work is conspicuously free from useless wrangles over the meaning of terms, and in discussing the theories of other writers, the selections have been unusually happy, and his statement of them fair, clear and concise. On the whole, the book is a lucid, scientific discussion of some of the basic conceptions of the common law, and affords to the reader an excellent introduction to the study of jurisprudence, clearing the way of some of the vexing and useless controversies that have been injected into the science by the unscientific and academic discussions of the past.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The volume contains an index, a table of the authors quoted from and an appendix containing brief discussions of several matters of general interest to the student of jurisprudence.

ARNOLD B. HALL.

General Theory of Law. By N. M. KARKUNOV, translated by W. G. HASTINGS. (Boston: Boston Book Company, 1909. Pp. xiv, 524.)

This volume is a brief but comprehensive treatment of the theory of the law, with a rather elaborate account of the main philosophical theories that have influenced or affected its development. The evolution of legal thought and its relation to the teachings of general, moral, political and social philosophy is traced down to the best of modern thought, special attention being given to continental writers.

The work is divided into four books, the first dealing with the conceptions of the law. Here the various conceptions and definitions are critically analyzed and discussed. *A priori* philosophies of the law are declared to be unnecessary. Law is defined as the delimitation of human interests, interests being used in the sense of legal rights. His evolutionary attitude towards the question is illustrated by his criticism of the conception of the historical school in which he declares that they "defined it as an organic development of a type determined beforehand, and not as a progressive and creative development" (p. 121). His attitude towards the nature of law is clearly scientific.

In the second book, which deals with the objective and subjective sides of the law, legal rules and their nature and the conceptions of legal right are analyzed and their relation to the field of jurisprudence discussed. The social conditions of legal development are treated in book three. The fundamental theories of society, the state and government are critically surveyed, special emphasis being given to the modern social viewpoint. The last book is devoted to positive law, dealing with its sources and administration, and containing an excellent and interesting chapter upon the sources of Russian law.

The whole volume clearly evidences the writer's wide and accurate knowledge of the history of philosophic thought, and his keen powers of analysis with which he has traced the influence of various systems of philosophy, both deductive and inductive, upon the development of legal theory. The author shows no small degree of originality in

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

bringing out many of these connections that are both ingenious and suggestive.

The style is distinctly philosophical and abounds in theoretical illustrations. The lack of homily and familiar examples together with the philosophic style, makes the book less readable than it otherwise would be. While generally the author's method is scientific, yet many of his propositions would be more convincing if based more upon concrete instances and less upon theoretical argument. It is clear throughout the book that the writer's viewpoint is broadly social and antagonistic to individualistic conceptions. In attempting to cover such a wide field in one volume, many subjects of interest and importance have necessarily received but scant and fragmentary treatment. On the whole, however, the book furnishes a mass of philosophical and historical data dealing with the problems of legal theory, especially with regard to the legal systems of the Continent, and which is replete with observations which are original and significant.

ARNOLD B. HALL.

Popular Law Making. By FREDERIC JESUP STIMSON. (New York: Charles Scribner's Sons, 1910. Pp. 390.)

The title of this work is rather misleading. One might very readily suppose that it was devoted to a consideration of direct legislation under the initiative and referendum. It is, however, a treatment of the whole field of statute law with some slight reference to legislative machinery. It is difficult to summarize its contents and this is perhaps the reason why the author omits a preface. He does, however, give a few pages at the close where he attempts to state his purpose. This seems to be to call attention to the enormous difference between the time when the common law was preëminent and one could become reasonably familiar with that portion which applied most directly to him and his occupation, and the present time when "all citizens, in their gravest and their least actions, also must look into the newspapers every morning to make sure that the whole law of life has not been changed for them by a statute passed over night."

The first part of the work is an historical examination of the more important English statutes down to about the time of Cromwell. It then takes up subsequent legislation under a topical arrangement. Under this it seems to have covered the most important tendencies

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of modern legislation. A mere enumeration of the later chapter headings will show the diversity of subjects treated, covering as they do property rights, regulation of rates and prices, trusts and monopolies, corporations, labor laws, military affairs, political rights, personal rights, marriage and divorce, criminal law and the structure of government.

It is difficult to characterize this work. The treatment of the various subjects is, of course, entirely too brief to be of use to the student of any particular topic. For instance, a chapter covering twenty-two pages, has the entire treatment of legislation affecting women, including marriage and divorce. This is a subject to which an author could devote at least a substantial volume and, possibly, two or three volumes without incurring a danger of undue prolixity. The same is in general true of the other subjects treated in the book. Moreover, no one person can be expected to become familiar with the whole field of legislation so as to give a just estimate as to present tendencies.

One may also question whether the work does not contain too much for a strictly popular treatment. A book which begins with the Witenagemot and ends with the latest utterance of an American legislature on railways or pure food is not entirely adapted to popular reading. Undoubtedly it is the man unfamiliar with the scope of legislation that Mr. Stimson desires to reach. It is doubtful, however, whether his object has been accomplished because of the vast field which he has felt it necessary to cover.

Although the work seems to reach no particular audience and misses much of its usefulness because of this failure to adapt itself either to the specialist or the uninformed reader, yet there is much in it which is worthy of .praise. Mr. Stimson has displayed great industry in the examination of statute law. He has set down a large amount of information regarding legislative tendencies which has heretofore not been available except in scattered works of reference. He has also given many suggestive observations upon the tendencies of modern legislation, even though one may disagree with him at many points. On the whole, the work is well worth a careful reading, although it falls short of the object for which it was attempted.

JOHN B. SANBORN.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Index Analysis of the Federal Statutes (General and Permanent Laws) 1789–1873, together with a table of repeals and amendments. By MIDDLETON G. BEAMAN, A. B., LL. B., and A. K. McNAMARA, LL. B. (Washington: Government Printing Office, 1911.)

In the notice of Scott and Beaman's Index Analysis of the Federal Statutes, 1873–1907, which appeared in this REVIEW in November, 1909, it was said: "It is proposed that a second volume, when published, shall cover the statutes of temporary, local and personal character. The student of legislative history would prefer an index of the general legislation of the period from 1845 to 1873, for which at present we have only the indices of the separate volumes of the statutes at large."

It is gratifying to see that Messrs. Beaman and McNamara, in undertaking the continuation of the work, came to a similar and even more desirable conclusion, with the result that the present Index covers the whole period from the beginning of the government to the enactment of the Revised Statutes.

The title again indicates the omission of local, private and temporary acts. To index the whole mass of special statutes relating to particular persons, as was done in Volume V of Peters' arrangement of the Statutes of Large down to 1845, would indeed be a waste of time and public money, although the period from 1789 to 1873 is not incumbered by the many thousands of special pension acts, and would undoubtedly contain many items of historical interest. It is more difficult to draw the line between local and general, and between temporary and permanent acts; to exclude all temporary acts would be to ignore some of the most important legislation; the acts relating to the Bank of the United States and the acts imposing direct taxes were temporary in their nature. In more recent times the acts relating to the Court of Private Land Claims and the so-called Aldrich-Freeman Act have had time limits attached to their operation. Acts of such importance we expect to find and do find included in the Index.

The list of popular names of statutes is again given in this volume, and now covers all acts of Congress from the beginning. Moreover, the Index itself by no means confines itself to words used in the statutes, but includes such terms as tariff, tenure of office, cabinet officers, municipal corporations, etc.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Under the heading "States" will be found a list of acts of Congress consenting to state laws levying tonnage taxes, but none consenting to state laws imposing duties for the purpose of carrying out inspection laws, and since Peters' Index is likewise silent with reference to such laws, we must infer that the right reserved by the constitution, subject to the consent of Congress, was never exercised. A similar inference must be drawn with reference to agreements between the states, of which only one, a boundary agreement between New York and New Jersey, is found in the Index.

The table of repeals and amendments has not been consolidated for the whole period from 1789 to 1907, so that the two Indices will have to be consulted in every case. Again it is proper to heed the warning of the authors that no attempt has been made to deal with implied repeals and amendments. This, as well as the omission to refer to officers plainly implied, but not expressly named in a statute (to which attention has been called in the notice of the first volume), the authors claim to be a necessary limitation of a work while in a sense official, is yet not authoritative. The freedom of a private work has in this respect its advantages, though it would be impossible to achieve absolute accuracy and completeness in attempting to cover matters which rest on inference and construction.

The main features of the present volume are the same as those of the preceding one, and deserve the same commendation.

E. F.

Race Distinctions in American Law. By GILBERT T. STEPHENSON. (New York: D. Appleton & Co., 1910. Pp. xv., 388.)

This is the first thorough-going attempt to describe, from the strictly legal standpoint, the various phases of the American race problem. It reveals a surprising number and variety of legal distinctions found in all parts of the United States and in the insular possessions, arising from the contact of the Caucasian with the African and the Oriental races. The period covered is principally from the enactment of the "Black Laws" of the Reconstruction period to the present time. The most important topics dealt with are civil rights of negroes, separation of races in schools and in public conveyances, and the application of suffrage laws to negroes.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Mr. Stephenson carefully distinguishes between race distinctions and race discriminations. He shows that the former are found wherever the races live side by side in nearly equal numbers, and are therefore indicative of a universal human trait, which is due, he thinks, not to a feeling of race superiority but of race difference. The law, therefore, should not blindly run counter to this feeling, but should recognize it as a conditioning factor. Race discriminations, on the other hand, should be obliterated for the best interests of all.

The work is primarily concerned, however, not with recommendations as to the proper legal determination of the relations between the races, but with a faithful and painstaking presentation of race distinctions as actually found in the law. The study of such distinctions contained in the state constitutions and statutes brings to light a great mass of unconscious testimony upon the race question. There are, it is true, a great many facts, customs, and practices having an important bearing upon the race problem, which cannot be discovered by reference to legal documents, but must be gathered through observation of actual life. Some race distinctions are so strongly intrenched in custom that a law is neither enacted nor needed to enforce them, and they would, therefore, escape an investigator confining himself to legal records. The author of the work under review professes to confine himself to race distinctions found in the law, but he does not consistently follow this course. He describes, for example, the separation of races in churches, which is not enforced by law. Nor, although he gives a formal definition of a race distinction in the law, does he make it clear what he understands by a *legal* distinction. A statute prescribing a race distinction is not conclusive but only *prima facie* evidence that such a distinction exists, for it may not be enforced. On the other hand, a law may, in terms, make no reference to race distinctions, yet the administrative officers having charge of its enforcement may apply it differently as regards different races. Whether, in either or both of these cases, a legal distinction exists, Mr. Stephenson does not make clear.

As a discussion of actual race distinctions existing in America, the work would be considered inadequate from the standpoint of the sociologist; but as a description of the extent to which race distinctions have been formally recognized in the law, it is thorough, dispassionate and trustworthy. It will undoubtedly prove valuable as furnishing for the study of comparative race legislation a résumé of the racial

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

experience crystallized into law of that nation in which there has been the most important and extensive contact between widely different races.

J. M. MATHEWS.

Police Administration. A Critical Study of Police Organizations in the United States and Abroad. By LEONHARD FELIX FULD. (New York: G. P. Putnam's Sons, 1909. Pp. xv, 551.)

The purpose of this volume, as announced by the author, is to deal with the administrative organization for police purposes in the widest sense. He therefore includes within the scope of the term "administrative police" not only the police department, as ordinarily understood in America, but also such other administrative organs for the promotion of the internal public welfare as those for health and sanitation, building inspection and fire protection. While this is a perfectly proper conception of the police function it at once marks Doctor Fuld's undertaking as an ambitious one. The field chosen is very broad, and, as the author indicates in the preface, no previous attempt has been made "to present a logical exposition of the problems of police administration."

In addition to the ordinary problems of organization and administration an effort has been made to state the legal principles involved in the various phases of police considered. If, under these circumstances, the author has fallen short at many points in the task which he has set for himself he is to be criticised rather for lack of judgment in attempting too much than for failure completely to accomplish the impossible. However, in spite of many shortcomings, the book is a useful one and it is to be hoped that Doctor Fuld will continue his work in this field where careful investigation is so much needed.

The portions of the book which deal with administrative organization for police purposes, beyond the ordinary American meaning of the term, may be dismissed without much consideration. Police organization for purposes of health and sanitation is inadequately treated. Building inspection and regulation for the prevention of physical injury due to faulty construction secures even less attention. And, strangely enough, fire departments, which are the most highly developed and efficient of our American police organizations are passed over summarily.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The really valuable part of the work is that devoted to administrative organization for the preservation of public order, the prevention of crime and the apprehension of criminals, *i. e.*, police administration as commonly understood in the United States. That the author did not confine himself to this phase of the subject is possibly due to the fact, which he points out, that in other countries there is a tendency to centralize all administrative police functions instead of distributing them among several more or less distinct departments.

Even within the narrower field above indicated the discussion is not as complete as the title would imply. The book will disappoint those who expect to get therefrom any detailed knowledge of foreign police organizations. It is rather a discussion of the American police problem with comparisons, at salient points, with the practice and experience of other countries, particularly of England, France and Germany.

Doctor Fuld's book is not an easy one to read and is unnecessarily long. These defects are due largely to a rather prolix style, to considerable repetition and to the inclusion of matter that could have been omitted with advantage. For instance, there seems to be no good reason for the minute description of the various forms of venereal disease on pp. 380–382. The description of the different types of finger markings, pp. 346–348, is also quite valueless unaccompanied by cuts and diagrams.

There is some carelessness in the use of references. Pages are not always given in citing volumes (footnote, p. 171), and both number and date of reports are sometimes omitted (pp. 175, 178.) The reference to Fairlie, Municipal Administration, on p. 211 is misleading.

A. R. HATTON.

The Commercial Power of Congress Considered in the Light of Its Origin: The origin, development and contemporary interpretation of the commerce clause of the Federal Constitution, from the New Jersey Representations of 1778, to the Embargo Laws of Jefferson's second administration in 1809. By DAVID WALTER BROWN. (New York: G. P. Putnam's Sons, 1910. Pp. ix, 284.)

The writer of this work shows both historical and legal scholarship. He marshals his facts in logical order and arranges his points of dis-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cussion so that the study develops in a natural and interesting way. The cogency and lucidity of the argument are very notable and the author makes out a very strong case for his theses. One is reminded from time to time, while reading the book, of a well-ordered brief before a court of appeals. The style is clear and direct and the work shows a wide and careful reading. One wishes, however, that in so scholarly a book, the writer had not been content so often to cite Bancroft's History of the Constitution, but had gone back oftener to such of Bancroft's sources as are conveniently accessible. The positions taken by Doctor Brown are substantially that the Federal Constitution has given Congress very extended powers over commerce and that the authority over interstate commerce conferred by the Constitution was rather greater than that over foreign commerce, in as much as it was not qualified by exceptions, such as those over taxing exports in foreign commerce. The powers "to erect corporations as agencies to carry on various branches or incidents of commerce," to construct or authorize the construction routes of interstate commerce and to "lay duties upon imports for the purpose of protecting domestic industries" are claimed for Congress. The argument is further made with great acumen that Congress has "power to restrict and prohibit various branches of commerce in the interest of great national purposes." The development of the West and the disorders in the States during the "critical period" induced the framers of the Constitution to construct a strong central government, and as a cement to the edifice an extensive power over commerce was given. The administrations of Washington and Jefferson are examined with especial care and the conclusion is drawn from the words and acts of the fathers of the Republic that they intended that the congressional power over commerce should be as extensive as it has been. A concluding chapter deals with the confirmation of the results of the historical inquiry by the decisions of the Supreme Court. Appendices deal especially with the powers of Congress to construct the highways of interstate commerce and to lay protective duties. The book may be recommended warmly as an excellent statement of the evidence in favor of the right of Congress to exercise very extensive powers in the way of encouraging or of prohibiting commerce.

BERNARD C. STEINER.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Modern Theories of Criminality. By C. BERNALDO DE QUIROS. Translated by DR. ALPHONSE DE SILVIO, Assistant Professor of Romance Languages in Northwestern University, with an introduction by W. W. SMITHERS. (Boston: Little, Brown & Co., 1911, Pp. xxvii, 249.)

This constitutes the first of a series of nine treatises representing the allied fields of criminology, criminal psychology, criminal sociology, penal philosophy and penology, which are being translated under the direction of a committee of the American Institute of Criminal Law and Criminology. The purpose of this undertaking is to make more accessible to American readers some of the more important European works on criminology, with a view to awakening a wider interest in criminal science among American scholars in general and the legal profession in particular. It is somewhat singular that in this field American scholarship has thus far contributed little of note, though Italy, France and Germany have already produced an extensive and valuable literature. The legal profession in America has remained indifferent for the most part to the larger questions of criminal science and has confined its activities almost wholly to the study of cases and statutes.

The first of the volumes which are now available in English, "Modern Theories of Criminality," by Doctor de Quiros, the most distinguished of the Spanish criminologists, is a concise survey of the theories of all the modern European writers on criminology; Lombroso, Ferri, Garofalo, Ottoglenghi, Tarde, Lacasagne, Salillas, Collajani and others of less note. His treatise is divided into three parts: one dealing with criminology in general, in which he traces the origin and development of the science, reviews the works of the three "innovators" (Lombroso, Ferri and Garofalo), and discusses the theories of the various schools of thought; part two is devoted to penitentiary science, its beginnings, tendencies and applications; and part three deals with the scientific investigation of crimes, methods of identification, inspection, present status of the science, the outlook of the future, etc.

J. W. GARNER.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

RECENT GOVERNMENT PUBLICATIONS OF POLITICAL INTEREST

BY CARL HOOKSTADT

UNITED STATES[1]

Alsop Claim. The case of the United States for and in behalf of the original American claimants in this case versus the Republic of Chile before His Majesty George V, under the protocol of Dec. 1, 1910. 5 vols.

Case of the United States, 1 v. Appendix to case of the United States, 2 v. Counter case of the United States, 1 v. Appendix to counter case of the United States, 1 v.

Arbitration with France signed Aug. 3, 1911. 1911. 6p. 8°. *State dept.* (S. doc. 92.)

Arbitration with Great Britain signed Aug. 3, 1911. 1911. 6p. 8°. *State dept.* (S. doc. 91.)

Arbitration Treaties with Great Britain and France signed Aug. 3, 1911. Report of Committee on Foreign Relations, together with views of minority and proposed committee amendments. 1911. 40p. 8°. *Senate. Committee on Foreign Relations.* (S. doc. 98.)

British Tariff Commission. Report of most-favored-nation agreements in relation to the proposed reciprocal trade agreement between Canada and the United States. 1911. 19p. 8°. *Senate.* (S. doc. 66.)

Bureau of Labor, Bulletin Nos. 92–93. Jan. and Mar., 1911.

No. 92 contains: Industrial accidents and loss of earning power; German experience in 1897 and 1907, by Henry J. Harris: Workmen's compensation and insurance; laws and bills, 1911, by Lindley D. Clark: Resolutions of the sixth delegates' meeting of the International association of labor legislation.

No. 93 contains: Wholesale prices, 1890 to 1910; Abstracts of British Board of Trade reports on cost of living; Hours of labor of men, women and children employed in factories in Austria; Decisions of courts affecting labor.

Chamizal Arbitration. (United States and Mexico.)

Case of the United States, 1v. Counter case of the United States, 1v. Appendix to counter case of the United States, 1v. Argument of the United States, 1v.

Chamizal Arbitration. Brief presented by the government of the United States of Mexico to the agent of the government of the United States of America in accordance of article V of the arbitration convention, June 24, 1910. 1911.

Constitution of the United States, Some defects in. Address by the Hon. Walter Clark, chief justice of North Carolina, to the law department of the University of Pennsylvania, on April 27, 1906. 1911. 17p. 8°. *Senate.* (S. doc. 87.)

[1]All numbered documents refer to 62d Congress unless otherwise specified.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Customs Tariff of 1842 with senate debates thereon, accompanied by messages of the president, treasury reports, and bills. 1911. 593p. 8°. *Senate.* (S. doc. 21.)

Includes tariffs from 1789 to 1833, with the votes in each House of Congress thereon arranged according to states.

Customs Tariff of 1846 with senate debates thereon, accompanied by messages of the president, treasury reports, and bills. 1911. 426p. 8°. *Senate.* (S. doc. 71.)

Eight-Hour Law. Report of committee to accompany H. R. 9061. 1911. 29p. 8°. *House. Committee on Labor.* (H. rpt. 165.)

Employers' Liability and Workmen's Compensation Commission. Hearings. 2 vols. 1911. (S. doc. 90.)

German Bank Inquiry of 1908–09. v. 2. 1911. *National Monetary Commission.* (61st Cong., S. doc. 407.)

v. 2. Proceedings of the entire commission on point VI of the question sheet (the deposit system).

Hawaii, Fourth report of the Commissioner of Labor on, 1910. 1911. 465p. 8°. *Bureau of Labor.* (61st Cong., S. doc. 866.)

Contains: Sugar industry; income and cost of living of workpeople in Honolulu; immigration; Japanese strike of 1909.

Manufactures of Cotton, Report submitted by Mr. Underwood, from the Committee on Ways and Means, on the bill H. R. 12812, to reduce the duties on. 1911. 539p. 8°. *House. Committee on Ways and Means.* (H. doc. 65.)

Pan-American Commercial Congress. Proceedings. Held Feb., 1911, Washington, D. C. 330p. 8°. *Pan-American Union.*

Reciprocity with Canada. Hearings on H. R. 4412. 1911. 8°. 2 vols. *Senate. Committee on Finance.* (S. doc. 56.)

Retirement of Superannuated Civil Service Employees, Savings and annuity plan proposed for. By Herbert D. Brown. 1911. 225p. 8°. *Senate.* (61st Cong., S. doc. 745.)

Sherman Act, Recent interpretation of. An address before the Michigan state bar association, July 6, 1911. 18p. 8°. *Senate.* (S. doc. 83.)

Tariff Proceedings and Documents, 1839–1857, accompanied by messages of the president, treasury reports, and bills. 1911. 3 vols. Senate. (S. doc. 72.)

Woman and Child Wage-Earners in the United States, Report on condition of (report to consist of 19 vols.) 1911. *Bureau of Labor.* (61st Cong., S. doc. 645.)

v. 9. Employment of women in the metal trades.

GREAT BRITAIN[1]

Alsace-Lorraine. Translation of the laws relating to the grant of a constitution. Misc. No. 9 (1911). 9p. fol. *Foreign Office.* (cd. 5804.) 1 1-2*d.*

Alsop Claim. Award pronounced by H. M. King George V as "amiable compositeur" between United States and Chile. Chile No. 1 (1911). 17 p. (cd. 5739.) 2 1-2*d.*

[1]The British Parliamentary papers may be purchased from Wyman & Sons, Ltd., Fetter Lane, E. C., London. Cd. refers to papers presented to Parliament by command.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Company Laws in the British Empire. Comparative analysis of the company laws of the United Kingdom, India, Canada, Australia, New Zealand and South Africa, with a memorandum prepared for the Imperial Conference, 1911. 42p. fol. *Board of Trade.* (cd. 5864.) 4 1-2*d.*

Earnings and Hours of Labour of workpeople of the United Kingdom, Report of an enquiry by the Board of Trade into. 1911. *Board of Trade.* (cd. 5814.) 2*s.* v. 6. Metal, engineering and building trades in 1906.

Imperial Conference, 1911. Précis of the proceedings. 1911. 85p. fol. (cd. 5741.) 8 1-2*d.*

Imperial Conference, 1911. Dominions No. 7. Minutes of the proceedings. Papers laid before the conference are printed separately in [cd. 5746–1] and [cd. 5746–2]. 1911. ii, 441p. fol. (cd. 5745.) 3*s.* 6*d.*

Partial list of subjects discussed: Imperial council, reconstitution of Colonial office, declaration of London, labour exchanges, enforcement of arbitration awards, interchange of civil servants, withdrawal of dominions from existing commercial treaties, navigation law, law of conspiracy.

Local Government. Report from the joint select committee on the local government acts, 1888 and 1894, and the local government (Scotland) acts, 1889 and 1894 (financial adjustments) together with the proceedings of the committee, minutes of evidence and appendices. 1911. xxviii, 408p. fol. (H. of C. Paper 246, 1911.) 3*s.* 6*d.*

Moral and Material Progress and Condition of India, Statement exhibiting the, 1909–10. 1911. 138p. fol. *India Office.* (H. of C. Paper 179, 1911.) 1*s.* 2*d.*

Payment of Members of Foreign Parliaments, Reports from H. M. representatives abroad respecting. Misc. No. 7. (1911). 17p. fol. *Foreign Office.* (cd. 5714.) 2 1-2*d.*

Referendum in Australia, Papers with reference to. 1911. 11p. fol. (cd. 5778.) 1 1-2*d.*

Tuberculosis (Human and Animal). Final report of royal commission. Part 1, report. (cd. 5761.) 6*s.* 7 1-2*d.*

FRANCE

Documents Diplomatiques. Deuxième conférence internationale pour la répression de la traite des blanches (18 avril–4 mai 1910). 1910. 108p. fol. *Ministère des affaires étrangères.*

Documents Diplomatiques. Conférence internationale de la Haye pour l'unification du droit relatif à la lettre de change et au billet à ordre (23 juin–25 juill 1910). 1910. 110p. fol. *Ministère des affaires étrangères.*

Documents Diplomatiques. Conférence internationale relative à la circulation des automobiles. 1910. 108p. fol. *Ministère des affairs étrangères.*

Documents Diplomatiques. Conférence internationale relative à la répression de la circulation des publications obscènes (18 avril–4 mai 1910). 1910. 148p. fol. *Ministère des affaires étrangères.*

Résumé général des travaux législatifs de la Chambre des Députés depuis la mise en vigueur deslois constitutionnelles de 1875 jusqu'à la réunion de la dixième législature (du 8 mars 1876 au 31 mai 1910). Recueil contenant, avec la nomen-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

clature des principaux projets adoptés par la Chambre des Députés, les élections successives et les portraits des membres de la 10e législature. 1911. 1324p. 8°.

Résumé général des travaux législatifs de la Chambre des Députés pendant la neuvième législature (1906–10). LXVe fascicule. 1910. xvii, 877p. 8°.

ITALY

Il probivirato in Italia nel quinquennio 1906–1910. Esistenza, funzionamento e massimario dei collegi con una raccolta di massime di giurisprudenza estera in materia di lavoro. Pubblicazione fatte in occasione del II congresso dei probiviri italiani in Roma. 1911. xvi, 248p. fol. *Ufficio del lavoro.*

Materiali per lo studio delle relazioni tra le classi agrarie in Romagna (1905–10). 1911. *Ufficio del lavoro.*

PRUSSIA

Verwaltung der Oeffentlichen Arbeiten in Preussen 1900 bis 1910. 1911. xi, 370p. 4°. *Ministerium fur œffentlichen arbeiten.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

INDEX TO RECENT LITERATURE—BOOKS AND PERIODICALS

ADMINISTRATIVE LAW

Books

Chardon, Henri. Le pouvoir administratif: la reorganization des services publiques. Paris: Perrin, 1911. Pp. 283.

Duke, N. C. The policeman; his trials and his dangers. [Rev. Ed.] Atlanta, Ga.: Converse Pub. 1911. Pp. 106.

Foote, A. R. Regulation of public utilities: a comparison of the New York and the Wisconsin Public Utilities Bills. Leg. Ref. Dept. Ohio. St. Lib. 1911. Pp. 36.

Philippovich, Eng. v. Die Bank von England im Dienste der Finanzverwaltung des Staates. Wien; F. Deuticke, 1911. Pp. 217.

Articles in Periodicals

Administration. La réforme administrative. I. *Henri Ripert.* Rev. des Sciences Politiques. Mai–Juin.

Administration. Principes généraux sur la situation juridique des fonctionnaires anglais (p. 209), par *M. Marcel Sibert.* Rev. Droit Public. A. M. J.

Algeria. L'Installation des troupes noires en Algérie et le Transsaharien. *XXX.* Rev. Pol. et Parl. Sept.

Officers. Der Beamtenbegiff im privaten und öffentlichen Recht. *Ernst Eckstein.* Archiv des Oeffentlichen Rechts.

COLONIES

Books

Acts of the privy council of England: colonial series. Vol. 4. A. D. 1745–1766. Ed. by J. Munro. London: Wyman, 1911. Pp. 876.

Alexander, J. The truth about Egypt. London: Cassell, 1911. Pp. 14–384.

Bruce, Sir Charles. The true temper of Empire. London: Office, 1911.

Cromer (Earl). Modern Egypt. London: Macmillan, 1911. Pp. 956.

Donough, N. R. A treatise on the law of sedition and cognate offenses in British India. Calcutta: Thacker, Spink, 1911. Pp. 279.

Griffith, N. G. The Dominion of Canada. London: I. Pitman, 1911. Pp. 460.

Kerr, P. H. & A. C. The growth of the British Empire. London: Longmans, 1911. Pp. 212.

Knibbs, G. H. Official year book of the Commonwealth of Australia, 1901–1910. Melbourne: McCarron, Bird, 1911. Pp. 1220.

Lamba, Henri. Code administratif égyptien. Paris: Larose et Tenin, 1911. Pp. 629.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Maxwell, W. Canada of today. London: Jarrold, 1911. Pp. 124.

Moore, A. B. Canada and her colonies, or home rule for Alberta. W. Stewart, 1911. Pp. 185.

Roberts, Harry. Towards a national policy. London: J. Murray, 1911. Pp. 130.

Rowe, A. The imperial ideal. London: Drane, 1911.

Smyth, Capt. W. A guide to organization, administration, and equipment for India. London: Thacker, 1911.

Articles in Periodicals

Africa. German Designs in Africa. *J. Ellis Barker.* Nineteenth Century. Aug., 1911.

Africa. France in North Africa. *Sir Harry H. Johnston.* Nineteenth Century. July, 1911.

Africa. Les travaux publics en Afrique Occidentale. *Pierre Pégard.* Dip. et Col. 16 Aout.

Africa. French Colonial Expansion in West Africa, The Soudan, and the Sahara. *N. Dwight Harris.* Am. Polit. Sc. Rev. Aug.

Africa. L'Afrique occidentale francaise. *Pierre Pégard.* Rev. des Sciences. Politiques. Juil.–Aout.

Canada. Les Nationalistes canadiens-francais et l'union canadienne. *Ch. Brunet-Millon.* Dip. et Col. 16 Sept.

Canada. Will Canada be lost? *W. Morton Fullerton.* National Rev. June, 1911.

Canada. The Canadian Navy and Imperial Unity. *Theo. H. Boggs.* Am. Polit. Sc. Rev. Aug.

Canada. Canadian Autonomy and American Reciprocity. *George E. Foster and Sir Raper Sethbridge.* Nineteenth Century. June, 1911.

Egypt. The Muddle in Egypt and the Way Out. *Ralph Neville.* Nineteenth Century. June, 1911.

India. India's Education and Her future Position in the Empire. *The Aga Khan.* National Rev. July, 1911.

India. Greater Britain and India. *Asiaticus.* National Rev. June, 1911.

Imperial Conference. The Imperial Conference. *A. R. Colquhoun.* Quarterly Rev. July, 1911.

Imperial Conference. The Imperial Conference, 1911. *Richard Jebb.* National Rev. July, 1911.

Imperial Conference. The Imperial Conference and our Imperial Communications. *J. Henniker Heaton.* Nineteenth Century. Aug., 1911.

Imperial Conference. Les résultats de la conférence impériale britannique. *A. de Tarlé.* Dip. et Col. 1 Aout.

Imperialism. New Imperial Burden-Bearers. *Richard Hain.* Fortnightly Rev. July, 1911.

Imperialism. The End of Imperialism and After. *A. G. Gardiner.* Contemporary Review. Aug., 1911.

Philippines. Die Kolonialpolitik der Vereinigten Staaten auf den Philippinen. *Von Dr. Laurence Frhr. v. Mackay, Munchen.* Zeitschrift für Politik. IV. Band. Heft. 4. 1911.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Tunis. Les chemins de fer tunisiens et le projet d'emprunt. *Joseph Aulneau.* Dip. et Col. Juin 1.

CONSTITUTIONAL LAW

Books

Adams, Dr. J. Deutsches Staatsrecht. Bonn; L. Röhrscheid, 1911. Pp. 7, 112.

Baumgarten, K. Ein ideales deutsches Wahlrecht. Berlin: Deut. Verlgas-Institut, 1911. Pp. 26.

Bornhak, Conrad. Preussisches Staatsrecht. I Bd. 2 Ausf. Breslau: A. Longewort, 1911. Pp. 9, 590.

Borodkin, Lieut.-Gen. M. Finland, its place in the Russian state. St. Petersburg: Ehrlich, 1911.

Cunha, V. de B. Eight centuries of Portugese monarchy, a political study. London: Swift. 1911. Pp. 266.

Dicey, A. V. A leap in the dark. A criticism of the principles of home rule, as illustrated by the bill of 1893. 2d Ed. London: J. Murray, 1911. Pp. 254.

Duguit, Léon. Manuel de droit constitutionnel. 2d Ed. Paris: Fontemoing, 1911.

Dungern, Dr. Otto. Das Staatsrecht Egyptens. Graz: Leykam, 1911. Pp. 126.

Egerton, H. E. Federations and unions within the British empire. Oxford Univ., 1911.

The Finnish Question in 1911. A survey of the present position of the Finnish constitutional struggle. By a member of the Finnish Diet. London: Harrison, 1911. Pp. 79.

Fisher, J. R. The end of the Irish parliament. London: E. Arnold. 1911. Pp. 328.

Freund, Ernst. Das öffentliche Recht der Vereinigten Staaten von Amerika. Tübingen: J. Mohr, 1911.

Funne, Ernst. Die Reichsversicherung (Kranken–, Unfall–, Invaliden). Berlin: F. Vahlen, 1911.

Gata, Oblon. England's eleven years government under the single chamber system from 1649 to 1660. 3d. Ed. London: Drane, 1911. Pp. 15.

Green, Alice Hapford. (*Mrs. J. R.*) Irish nationality. New York: Holt, 1911. Pp. 256.

Goodnow, F. J. Social reform and the constitution. New York: Macmillan, 1911. Pp. 21, 365.

Gwynn, Stephen. The case for home rule. London: Maunsel. 1911. Pp. 172.

Hoffmann, P. G. Monarchisches Prinzip und Ministerverantwortlichkeit. Jena: G. Fischer, 1911. Pp. 5, 92.

Ilbert, Sir C. P. Parliament, its history, constitution and practice. New York: Holt, 1911. Pp. 256.

Kettle, T. M. Home rule finance: an experiment in justice. London: Maunsel. 1911. Pp. 104.

Komlössy, F. Das Rechtsverhältniss Bosniens und der Herzegowina zu Ungarn. Pressburg: H. Stampfel, 1911.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Laband, Dr. Paul. Das Staatsrecht des deutschen Reiches. I Bd. Tübingen: J. C. B. Mohr, 1911. Pp. 12, 532.

La Grasserie, Raoul de. Systèmes électoraux des différents peuples: etude comparatif. Paris: F. Alcan, 1911. Pp. 360.

McCall, S. Walker. The business of Congress. New York: Lemcke & B., 1911. Pp. 7, 215.

Methuen, A. M. S. A simple plan for a new House of Lords. London: Methuen, 1911.

Parow, Dr. Walt. Die englische Verfassung seit 100 Jahren u. die gegenwärtige Krisis. Berlin: Puttkammer-Mühlbrecht, 1911. Pp. 234.

Relations of Ireland with the imperial exchequer. By an Irishman. Gill. 1911.

Rohrbach, Dr. Paul. Deutschland unter den Weltvölkern. Berlin-Schöneberg: Verlag der "Hilfe," 1911. Pp. 418.

Taylor, Hannis. The origin and growth of the American constitution. Boston: Houghton, Mifflin, 1911. Pp. 42, 676.

Welton, T. A. England: recent progress. London: Chapman & Hall, 1911.

Yen, Hawkling G. A survey of constitutional development in China. New York: Longmans, 1911. Pp. 250.

Zolger, Dr. Ivan. Der staatsrechtliche Ausgleich zwischen Oesterreich und Ungarn. Leipzig: Duenker & Humblot, 1911. Pp. 13, 354.

Articles in Periodicals

Alsace-Lorraine. La demande alsacienne-lorraine d'autonomie et le projet allemand de réforme constitutionnelle. *René Henry.* Dip. et Col. Juin 1.

Alsace-Lorraine. Das neue Verfassungsgesetz für Elsass-Lothringen. Erster Teil: Die rechtliche Natur Elsass-Lothringens. *Otto Nelte.* Archiv des Oeffentlichen Rechts.

Argentina. La situation financière de la République Argentine. *Jean Tannery.* Rev. des Sciences Politiques. Juil.-Aout.

Australia. The legal Interpretation of the Constitution of the Commonwealth. Part II. *A. B. Keith.* Jour. Soc. Com. Legis. July.

Australia. Immigration Restriction in Australia. *Everard Digby.* Jour. Soc. Com. Legis. July.

Austria-Hungary. La politique militaire de l'Autriche-Hongrie. *Lt.-Colonel. Malleterre.* Dip. et Col. 1 Juil.

Belgium. La Belgique et le second Empire. *Charles Dupuis.* Rev. Sciences Politiques. Jan.-Fev.

Constitutions. Oktroyiertes Verfassungsrecht. Von *Dr. Franz Hauke,* o. ö. Professor an der Universität Graz. Zeitschrift für Politik. IV. Band. Heft. 4. 1911.

Constitutional Development. Constitutional Developments in Foreign Countries During 1910. *W. F. Dodd.* Am. Polit. Sc. Rev. Aug.

Corporation Tax. The Corporation Tax Decision. *Charles W. Pierson.* Yale Law Jour. June.

England. English Public Life. Edinburgh Review. July, 1911.

England. The House of Lords. *Alexander Grant.* Contemporary Rev. June, 1911.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

England. The Duty of the Lords. Quarterly Rev. July, 1911.

France. The Unrest in France. *W. Morton Fullerton.* National Rev. Aug., 1911.

French Budget. Le Budget de la France et les projets de réforme. I. *Francois Lefort.* Rev. des Sciences Politiques. Juil.-Aout.

French Parliament. La Représentation syndicale au Parlement. *Léon Duguit.* Rev. Pol. et Parl. Juil.

Germany. D'un Reichstag à l'autre. I. Le Reichstag de 1906–1911. *Paul Matter.* Rev. des Sciences Politiques. Juil.-Aout.

Germany. Le jeu de l'Allemagne. *Commandant de Thomasson.* Dip. et Col. 1 Aout.

Hungary. Le Radicalisme hongrois. *F. DeGerando.* Rev. Pol. et Parl. Juil.

Hungary. La situation économique et financière de la Hongrie. *Simon Aberdam.* Dip. et Col. 16 Juil.

Poland. L'évolution de la constitution polonaise. I. *V. Olszweicz.* Rev. des Sciences Politiques. Juil.-Aout.

Portugal. La presse politique portugaise. *Angel Marvaud.* Dip. et Col. 1 Juil.

Portugal. Portugal under the Republic. *James Milne.* Fortnightly Rev. June, 1911.

Portugal. Les débuts de la république portugaise. I. *Angel Marvaud.* Rev. des Sciences Politiques. Mars-Avril., Mai-Juin.

Prerogative. The Royal Prerogative. *Clement Harvard.* Fortnightly Rev. June, 1911.

Prerogative. The King and his Prerogative. *J. H. Morgan.* Nineteenth Century. Aug., 1911.

Russia. Russland als Vormacht des Slawentums und das moderne Italien. *Von Dr. Robert Michels, Professor an der Universität Turin.* Zeitschrift für Politik. IV. Band. Heft. 4, 1911.

Russia. La presse russe. *René Marchand.* Dip. et Col. 1 Aout.

Russia. La situation économique et financière de la Russie au point de vue des relations internationales. *Pierre Chasles.* Dip. et Col. Juin 1.

Spain. La Presse politique espagnole. *Angel Marvaud.* Dip. et Col. 16 Juin.

Standard Oil Decision. The Supreme Court Decisions. *Grosscup, Larkin, Beck, Bryan, Coudert* and *Untermeyer.* N. Am. Rev. July, 1911.

Standard Oil Decision. The Standard Oil Decision; The Rule of Reason. *H. L. Wilgus.* Mich. Law. Rev. June.

Standard Oil Decision. The Standard Oil Decision. *The Ed.* The Gr. Bag. June.

Turkey. Developments in Turkey. *Sir Edwin Pears.* Contemporary Rev. July, 1911.

Turkey. Les Turcs au Borkou. *Jacques Dorobantz.* Dip. et Col. 1 Sept.

Turkey. Les finances Byzantines. II. *A. Andreades.* Rev. des Sciences Politiques. Juil.-Aout.

Turkey. La nationalité ottomane, par *M. Th. Papasian.* Rev. de Droit Int. et de Legis, Comp. 1911. No. 3.

Turkey. Le sens politique chez les Jeunes-Turcs. *Jacques Dorobantz.* Dip. et Col. 1 Juil.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

INTERNATIONAL LAW AND DIPLOMACY

Books

Albin, Pierre. Les grands traités politiques. Recueil des principaux textes diplomatiques depuis 1815. Paris: Felix Alcan, 1911.

Alvarez, Alex. Le droit international américain. Paris: A. Pedone, 1910. Pp. 386.

Arias, Harmodio. The Panama Canal. A study in international law and diplomacy. London: P. S. King, 1911. Pp. 206.

Baty, T. Britain and sea law. London: Bell, 1911. Pp. 112.

Chadwick, F. E. The relations of the United States and Spain; the Spanish-American War. 2 v. New York: Scribner, 1911. Pp. 10, 412; 7, 514.

Civis. Cargoes and cruisers. Britain's rights at sea. London: Hodder & S., 1911.

Cohen, Arthur. The Declaration of London. London: Hodder & Co., 1911. Pp. 188.

Declaration of London, The. An answer to the Chamber of Shipping. Dec. of London Ratification Committee. London: 1911.

Declaration of London, The: objections and answers. Ratification Committee. 1911.

Fried, A. H. Handbuch ser Friedensbewegung. Leipzig: Reichenbach, 1911. Pp. 12, 269.

Hill, David J. World organization as affected by the nature of the modern state. New York: Columbia University, 1911. Pp. 9, 214.

Holland, T. E. Proposed changes in naval prize law. Proc. of British Academy. vol. 5. London: Frowde, 1911.

Mead, Edwin D. The international duty of the United States and Great Britain. World Peace Foundation: Boston, 1911. Pp. 30.

Oppenheim, L. Die Zukunft des Völkerrechts. Leipzig: W. Engelmann, 1911. Pp. 65.

Perris, G. Herb. A short history of war and peace. New York: Holt, 1911. Pp. 256.

Reinsch, Paul S. Public international unions. Boston: Ginn & Co., 1911. Pp. 8, 189.

Rollin, Henry. Marine de guerre et defense nationale. Paris: E. Guilmoto, 1911. Pp. 24–362.

Smith, F. E. International law. 4th Ed. London: Dent, 1911. Pp. 424.

Strupp, Dr. Karl. Urkunden zur Geschichte des Völkerrechts. Gotha: F. Perthes, 1911. 1 Bd. Pp. 18, 410. 2 Bd. Pp. 8, 539.

Articles in Periodicals

Arbitration. The Limits of Arbitration. *Sir John Macdonald.* Contemporary Rev. June, 1911.

Arbitration. Disarmament and Arbitration. *"Observer."* N. Am. Rev. Aug., 1911.

Arbitration. Arbitration. *Andrew Carnegie.* Contemporary Rev. Aug., 1911.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Arbitration. Diplomacy and Arbitration. *Rear Admiral A. T. Mahan, U. S. N.* N. Am. Rev. July, 1911.

Arbitration. Navies as International Factors. *Rear Admiral A. T. Mahan, U. S. N.* N. Am. Rev. Sept.

Arbitration. L'alliance anglo-japonaise et le traité d'arbitrage américain. *Percy Evans Lewin.* Dip. et Col. 1 Sept.

Arbitration. Deux arbitrages américains devant la Cour permanente de la Haye. I. La question des pêcheries de l'Atlantique. *Georges Scelle.* Rev. Sciences Politiques. Jan.–Fev., Mars–Avril.

Balance of Power. The Balance of Power in 1915. *Harry D. Brandyce.* Forum, Aug., 1911.

Dardenelles. Die Dardanellenfrage. *Von Josep Kohler.* Zeitschrift für Völkerrecht und Bundesstaatsrecht. V. Band. 2. Heft.

Declaration of London. The Declaration of London. *A. R. Patterson.* Contemporary Rev. July, 1911.

Declaration of London. The Declaration of London. *Sir Thomas Barclay.* Fortnightly Rev. July, 1911.

Declaration of London. La discussion de la déclaration de Londres au Parlement britannique. *G. Dupuis.* Rev. Gen. de Droit International Pub. Juil–Aout.

Diplomatic Immunity. Zwei praktische Fälle aus dem Völkerrecht. *Dr. Karl Strupp.* Zeitschrift für Völkerrecht und Bundesstaatsrecht. Beiheft I zum V. Band.

Diplomatic Protection. La limitation de la protection diplomatique, par *M. Edwin M. Borchard.* Rev. de Droit et de Legis. Comp. 1911. No. 3. Int.

Extradition. Les principes du droit d'extradition et leur application dans l'affaire Savarkar, par *M. J. A. Van Hamel.* Rev. de Droit Int. et de Legis. Comp. 1911. No. 4.

France. La convention franco-belge du 8 juillet 1899, par *M. Henri De Cock.* Rev. de Droit. Int. et de Legis. Comp. 1911. No. 3.

Germany. A German Invasion and the Real German Peril. *Henry Sewill.* Westminster Rev. Aug., 1911.

Institute of International Law. Institut de droit international (session de Madrid, avril 1911). Rev. de Droit Int. et de Legis. Comp. 1911. No. 3.

Germany. The International Claims of Germany. *Prof. Hans Delbruck.* Contemporary Rev. June, 1911.

International Police. Wanted—An International Police. *Rear-Admiral Caspar F. Goodrich.* Nineteenth Century. July, 1911.

Italy. La politique militaire de l'Italie. *Lt.-Colonel Malleterre.* Dip. et Col. 16 Aout.

Jurisdiction. Räumliche Erweiterung der Gebietshoheit durch Rechtskonstruktion. *Von Landrichter Dr. F. Scholz in Charlottenburg.* Zeitschrift für Völkerrecht und Bundesstaatsrecht. V. Band. 2. Heft.

Maritime Law. Internationale Regelung der Reeder-Haftung. *Finke.* Zeitschrift für Internationales Recht. XXI. Band. 2 bis 6. Heft.

Morocco. Morocco, The Powers, and the Financiers. *S. L. Bensusan.* Contemporary Rev. Aug., 1911.

Morocco. Germany, Morocco, and the Peace of the World. *J. Ellis Barker.* Fortnightly Rev. Aug., 1911.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Morocco. Les ramifications de la crise marocaine. *Commandant de Thomasson.* Dip. et Col. 1 Sept.

Morocco. L'Action francaise au Maroc. *Edmond Doutté.* Rev. Pol. et Parl. Aout.

Morocco. Le péril espagnol dans l'imbroglio marocain. *Commandant de Thomasson.* Dip. et Col. 16 Juin.

Morocco. Les écoles israélites au Maroc. *André Lecocq.* Dip. et Col. Juin, 1.

Morocco. La crise marocaine. *Commandant de Thomasson.* Dip. et Col. 16 Juil.

Oregon. Polk and the Oregon Compromise. *R. L. Schuyler.* Polit. Sc. Quart. Sept.

Peace. Die zweit, Haager Friedenskonferenz. *Nippold.* Zeitschrift für Internationales Recht. XXI Band. 2 bis 6. Heft.

Peace. Kommentar zu dem Haager "Abkommen betreffend die friedliche Erledigung internationaler Streitigkeiten," vom 18. Oktober 1907. *Dr. Hans Wehberg.* Archiv Des Oeffentlichen Rechts. I Beilageheft.

Peace. The Remedy for Armed Peace. *Baron d'Estournelles de Constant.* Forum. July, 1911.

Prize. The Immunity of Private Property at Sea. Quarterly Rev. July, 1911.

Prize. The International Prize Court and Code. *James L. Tryon.* Yale Law Jour. June.

Prize. Changements proposés en droit des prises maritimes. La Convention de la Cour des prises et la Declaration de Londres, par *M. Th.-Ersk. Holland.* Rev. de Droit Inst. et de Legis. Comp. 1911. No. 4.

Prize. Das Seebeuterecht. *Posse.* Zeitschrift für Internationales Recht. XXI Band. 2. bis 6. Heft.

San Domingo. Les finances de Saint-Domingue et le contrôle américain. *A. De La Rosa.* Rev. Gen. Droit International Pub. Juil.–Aout.

Savarkar Case. Der Savarkarfall. *Von Josef Kohler.* Zeitschrift für Völkerrecht und Bundesstaatsrecht. V. Band. 2. Heft.

Spanish War. The Spanish-American War. *Rear-Admiral S. B. Luce, U. S. N.* N. Am. Rev. Oct., 1911.

Treaties. Kants Originalität in der Auffassung der Lehre vom Staatsvertrage. *Solomon Max.* Archiv des Oeffentlichen Rechts. Bd. 28, Heft. 1.

Turkey. Albanians, Turks, and Russians. *H. N. Brailsford.* Contemporary Rev. Sept., 1911.

Turkey. La Question d'Albanie. *A. Baldacci.* Rev. Pol. et Parl. Aout.

Turkey. Le rôle de l'Autriche et du Montenegro dans l'Insurrection albanaise. *Douchan Tomitch.* Dip. et Col. 16 Juin.

Victoria. L'Action diplomatique de la Reine Victoria. *Jacques Bardoux.* Rev. des Sciences Politiques. Mai–Juin.

War. A Vindication of War. *Lieut.-Gen. Sir Reginald C. Hart.* Nineteenth Century. Aug., 1911.

War. Le droit de la guerre et les condottieri, par *M. Ernest Nys.* Rev. de Droit Int. et de Legis. Comp. 1911. No. 3.

War. Zur Soziologie des Krieges. *Max Ried.* Zeitschrift für die gesamte Staatswissenschaft. Siebenundsechzigster Jahrgang, 1911.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

JURISPRUDENCE

Books

Alexander, G. G. The administration of justice in criminal matters (in England and Wales). New York: Putnam, 1911. Pp. 8, 158.

American Academy of Political and Social Science. Uniform Child Labor Laws. Philadelphia, 1911. Pp. 5, 224.

Bergmann, Dr. W. Das römische Recht aus dem Munde seiner Verfasser. I Bd. Paderborn: Junferman, 1910. Pp. 51, 639.

Block, Paul. Geschichte der deutschen Arbeiterbewegung. München: Buck. Nationalverein, 1911.

Bry, Georges. Principes du droit romain, exposés dans leur developpement historique. Paris: Larose et Tenin, 1911. Pp. 7, 745.

Campbell, G. G. Industrial accidents and their compensation. London: Constable, 1911.

Dawbarn, C. Y. C. Employers' liability to their servants at common law, and under the employers' liability act, 1906. 4th Ed. London: Sweet & Maxwell, 1911. Pp. 49, 714.

Hammond, M. B. Railway rate theories of the Interstate Commerce Commission. Cambridge, Mass.: Harv. Univ., 1911. Pp. 200.

Maschke, Dr. Boykott, Sperre, und Aussperrung. Jena: G. Fischer, 1911. Pp. 8, 341.

Report of the sixth general meeting of the Committee of the International Association for Labor Legislation. London: P. S. King, 1911. Pp. 174.

Articles in Periodicals

Aviation. L'Aviation devant le droit privé et international. *H. Laurier.* Rev. Pol. et Parl. Sept.

Copyright. Der Auterschutz im internationalen Rechte. *Von Dr. Alfred Freiherrn von Overbeck.* Zeitschrift für Völkerrecht und Bundesstaatsrecht. V. Band. 2. Heft.

Crime. The Crime Problem. *Frank H. Norcross.* Yale Law Jour. June.

Crime. The Function of Private Defense in the Repression of Crime. *Giulio Q. Battaglini.* Jour. Crim. Law and Crim. Sept.

Crime. An English View of the American Penal System. *Sir Evelyn Ruggles-Brise.* Jour. Crim. Law and Crim. Sept.

Crime. Mayor Gaynor's Police Policy and the Crime Wave in New York City. *Arthur W. Towne.* Jour. of Crim. Law and Crim. Sept.

Criminal Law. Reform of the Criminal Law in Germany. *Dr. Adolf Hartman.* Jour. Crim. Law and Crim. Sept.

Employers' Liability. The New York Employers' Liability Act. *Andrew Alexander Bruce.* Mich. Law Rev. June.

Gentilis. The Great Jurists of the World. –XIII. Albericus Gentilis. *Coleman Phillipson.* Jour. Soc. Com. Legis. July.

Judiciary. The Judicial Code of March 3, 1911. *Robert E. Bunker.* Mich. Law Rev. June.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Judiciary. The Judiciary and the Administration of the Law. *Everett V. Abbot, Chas. A. Boston.* Am. Law Rev. July–Aug.

Judicial Reform. Le premier acte de la réforme judiciaire. *Julien Lefèvre.* Rev. Pol. et Parl. Sept.

Judicial Reform. The Reform of Procedure. *Sen. Elihu Root.* The Gr. Bag. March.

Jurisprudence. The Development of a Scientific View of Law. *Ed. Lindsey.* Am. Law Rev. July–Aug.

Jury. The Origin of the Petty Jury. *Charles L. Wells.* Law Quart. Rev. July.

Legal Education. The Place of Jurisprudence in Legal Education. *H. J. B. Martin, LL. B.* Law Mag. & Rev. Aug.

Rabelais. Rabelais et la science du droit, par *M. Ernest Nys.* Rev. de Droit Int. et de Legis. Comp. 1911. No. 4.

Russia. Die Fabrikgesetzgebung in Russland. *Dr. Peisach Meschewetski.* Zeitschrift für die gesamte Staatswissenschaft. Ergänzungsheft XXXIX.

POLITICAL SCIENCE (GENERAL) AND POLITICAL THEORY

Books

Burke, Edmund. Selections from his political writings. London: Nelson, 1911. Pp. 6, 476.

Childs, R. S. Short-ballot principles. Boston: Houghton, Mifflin, 1911. Pp. 8, 171.

Fisher, H. A. L. The republican tradition in Europe. New York: Putnam, 1911. Pp. 12, 363.

Fiske, J. American political ideals, etc. New Ed. Boston: Houghton, Mifflin, 1911. Pp. 75, 196.

Forman, S. E. Essentials in civil government. [Iowa Ed.] New York: Am. Book Co., 1911. Pp. 251, 31.

Gettell, R. G., ed. Readings in political science. Boston: Ginn, 1911. Pp. 41, 528.

Humphreys, J. H. Proportional representation: a study in methods of election. London: Methuen, 1911. Pp. 422.

Hobhouse, G. T. Liberalism. Holt, 1911. Pp. 254.

Lépine, F. La représentation proportionelle: le problem et sa salution. Reims: Matat-Braine. 1911. Pp. 80.

Gieber, Francis. Manual of political ethics. *Ed. Woolsey.* 2 vols. 2d Ed. Philadelphia: Lippincott, 1911.

McDowell, J. A. Supplement to Reinsch's civil government for the state of Ohio. Boston: Sanborn, 1911. Pp. 99.

Mead, Mrs. G. T. A. Patriotism and peace; how to teach them in schools. Boston: Int. Sch. of Peace, 1911. Pp. 32.

Pankhurst, E. Sylvia. The suffragette: the history of the woman's militant suffrage movement, 1905–1910. London: Gay & H., 1911. Pp. 530.

Reinsch, Paul S. Civil government. Boston: Sanborn, 1911. Pp. 10, 258.

Robbins, E. C. Selected articles on the commission plan of municipal government. (Debaters Handbook Series). Minneapolis: H. W. Wilson Co., 1911. Pp. 26, 178.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Schmitz, Oscar. Die Kunst der Politik. Berlin: Meyer & Jessen, 1911. Pp. 471.

Vrooman, F. B. The new politics. New York: Oxford University, 1911. Pp. 300.

Woodruff, C. R. City government by commission. New York: Appleton, 1911. Pp. 9, 381.

Articles in Periodicals

Cities. "People's Rule" in Municipal Affairs. *G. H. Haynes.* Polit. Sc. Quart. Sept.

Congress. The Syndication of the Speakership. *C. R. Atkinson* and *C. A. Beard.* Polit. Sc. Quart. Sept.

Equality. Equality: A Study in Social Philosophy. *Robert Gunn Davis.* Westminster Rev. June, 1911.

Franchise Law. English Franchise Law. *R. L. Marshall, M. A.* Law Mag. & Rev. Aug.

Party Government. Democracy and Party Government. *H. J. Darnton Fraser.* Westminster Rev. Sept., 1911.

Postal Savings Bank. The United States Postal Savings Bank. *E. W. Kemmerer.* Polit. Sc. Quart. Sept.

Proportional Representation. Indirect Proportional Representation. *James C. Meredith.* Westminster Rev. June, 1911.

Proportional Representation. La Répresentation proportionnelle. *Louis Havet.* Rev. Pal. et Parl. Juil.

Proportional Representation. Graduierte Stimmgebung und d'Hondt'sches Proportionalverfahren. *Adolf Tecklenburg.* Archiv des Oeff. Rechts. Bd. 28. Heft. 1.

Race Congress. The Universal Races Congress. *Arthur Ranson.* Westminster Rev. Sept., 1911.

Referendum. The Referendum in Great Britain. *H. W. Horwill.* Polit. Sc. Quart. Sept.

Referendum. Der Weltgang des Referendums. Ursprung, Untergang und Wiedergeburt der germanischen Völksfreiheit. *Theodor Curti.* Archiv des Oeffentlichen Rechts. Bd. 28. Heft. 1.

Referendum. The Referendum and Representative Government. *H. D. Henderson.* Westminster Rev. Sept., 1911.

Referendum. The Working of the State Wide Referendum in Illinois. *C. O. Gardner.* Am. Polit. Sc. Rev. Aug.

Senate. The Popular Election of Senators. *John R. Dos Passos.* The Gr. Bag. May.

State Functions. Kritische Studien zur Systematisierung der Staatsfunktionen. *Bruno Beyer.* Zeitschrift für die gesamte Staatswissenschaft. Siebenundsechzigster Jahrgang, 1911.

Utopia. Fontenalles Republik. Eine Dichtung vom besten Staat. *Von Dr. Fritz Karl Mann, Berlin.* Zeitschrift für Politik. IV. Band. Heft. 4. 1911.

Woman Suffrage. The French Women and the Vote. *Charles Dawbarn.* Fortnightly Rev. Aug., 1911.

Woman Suffrage. Woman Suffrage. *Gwendolen Overton.* N. Am. Rev. Aug., 1911.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Woman Suffrage. Women Who Want to Vote. *Countess of Selborne.* National Rev. June, 1911.

MISCELLANEOUS

Books

Abbott, Lyman. America in the making. New Haven: Yale Univ., 1911. Pp. 7, 233.

Askew, J. B. Pros and cons. A newspaper reader's and debater's guide to the leading controversies of the day. New Ed. London: Routledge, 1911. Pp. 15, 269.

Barret, J. The Pan-American Union. Washington: Munder Thomsen, 1911. Pp. 253.

Brummer, S. D. Political history of New York state during the period of the civil war. New York: Longmans, 1911. Pp. 451.

Chatterton, E. K. Britain's record: what she has done for the world. London: Sedgewick & J., 1911. Pp. 304.

Crawford, V. M. Switzerland of today: a study in social progress. London: Sands, 1911. Pp. 144.

Danneberg, Rob. Das sozialdemokratische Programm. Wien: Wiener Buchh, 1911. Pp. 104.

Erler, Dr. Curt. Von der Macht der Presse in Deutschland. Berlin: Spree-Verlag, 1911. Pp. 118.

Johnson, N. E. The federal government and the liquor traffic. Westerville, O.: Am. Issue Pub., 1911. Pp. 275.

Kenkel, Karl. Die Entwicklung der politischen Parteien in Deutschland von 1848 bis zum Obgange Bismarks. Paderborn: Junfermann, 1911.

Lowell, Percival. The soul of the far east. New Ed. New York: Macmillan, 1911. Pp. 10, 226.

Linn, E. C. Modern corruption: or, plague spots. London: Stockwell, 1911.

Mahler, Dr. Karl. Die Programme der politischen Parteien in Deutschland. 3 Ausf. Leipzig: D. Gracklauer, 1911. Pp. 80.

Nationalities and subject races. Report of conference in Westminster. London: P. S. King, 1911. Pp. 190.

Porter, G. H. Ohio politics during the Civil War period. New York: Longmans, 1911. Pp. 255.

Schaffle, A. The impossibility of social democracy. London: G. Allen, 1911. Pp. 336.

Shaw of Dumferline (Lord). Legislature and judiciary. London: Hodder & Co., 1911.

Zimmern, A. E. The Greek commonwealth politics and economics in fifth century Athens. London: H. Frowde, 1911. Pp. 456.

Articles in Periodicals

Cuba. An English View of Cuba. *Sidney Brooks.* Forum. Oct., 1911.

Health Insurance. National Health Insurance in England and Germany. *E. J. Schuster.* Jour. Soc. Com. Legis. July.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Mexico. Mexico after Diaz. *Stephen Bonsal.* N. Am. Rev. Sept., 1911.

Old-Age Insurance. Compulsory Old-Age Insurance in France. *I. M. Rubinow.* Polit. Sc. Quart. Sept.

Pan-Americanism. L'Amérique latine en face du Panaméricanisme. *Angel Marvaud.* Rev. Pol. et Parl. Sept.

Public Ownership. The Aspects of Public Ownership. *Sidney Brooks.* N. Am. Rev. Aug., Sept., Oct., 1911.

Race Congress. Racial Problems and the Congress of Races. *Sir H. H. Johnston.* Contemporary Rev. Aug., 1911.

Russia. Les écoles primaires en Russie er l'éducation obligatoire devant la Douma. *Andre Kalpaschnikoff.* Rev. des Sciences Politiques. Mai–Juin.

Utilities Commissions. Central Utilities Commissions and Home Rule. *B. H. Meyer.* Am. Polit. Sc. Rev. Aug.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The American Political Science Review

BOARD OF EDITORS

Henry Jones Ford, Princeton University
W. F. Dodd, University of Illinois
W. B. Munro, Harvard University
John H. Latané, Washington and Lee University
C. E. Merriam, University of Chicago
Paul S. Reinsch, University of Wisconsin
Benjamin F. Shambaugh, University of Iowa
Eugene Wambaugh, Harvard University Law School

W. W. Willoughby, Managing Editor, Johns Hopkins University, Baltimore, Md.

Vol. V February, 1911 No. 1

CONTENTS

The Law and the Facts ..... Woodrow Wilson 1
Diplomatic Affairs and International Law, 1910 ..... Paul S. Reinsch 12
The Commission Plan of City Government ... Oswald Ryan 38
Tendencies toward Ministerial Responsibility in Germany ..... W. J. Shepard 57
Notes on Current Legislation ..... Horace E. Flack 70
Current Municipal Affairs ..... William Bennett Munro 91
News and Notes: Personal and Bibliographical ..... W. F. Dodd 103
Book Reviews 119
Index to Recent Literature, Books and Periodicals 158

(For list of Book Reviews, see second page of cover)

Published Quarterly by The American Political Science Association

THE WAVERLY PRESS
Baltimore, Md., U. S. A.

Entered at the Post Office, Baltimore, Md., as second-class matter, under the Act of July 16, 1894.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

REVIEW OF BOOKS

Botsford—The Roman Assemblies from their Origin to the End of the Republic. By Ralph Van Deman Magoffin..... 119

Lazarovich-Hrebelianovich—The Servian People, Their Past Glory and Their Destiny. By George Frederick Andrews..... 125

Saripolos—Das Staatsrecht des Königreichs Griechenland. By Theodore P. Ion 126

Wilson—Handbook of International Law. By Arthur K. Kuhn 129

Mahan—The Interest of America in International Conditions. By James Morton Callahan..... 131

Wilcox—Municipal Franchises: A Description of the Terms and Conditions under which Private Corporations Enjoy Special Privileges in the Streets of American Cities. Vol. I. By W. F. Willoughby 135

Wilcox—Great Cities in America. By Raymond Garfield Gettell 138

Godfrey—The Health of the City. By Raymond Garfield Gettel 139

Garner—Introduction to Political Science. By William A. Schaper 140

Beard—American Government and Politics. By Charles G. Haines 141

Ford—The Cost of our National Government: A Study in Political Pathology. By W. F. Willoughby..... 143

Van Wagenen—Government Ownership of Railways: Considered as the Next Great Step in American Progress. By C. G. Fenwick..... 145

Carter—Great Britain and the Illinois Country, 1763-1774. By Bernard C. Steiner 146

THE AMERICAN POLITICAL SCIENCE REVIEW is supplied to all members of the American Political Science Association.

The price of subscription to persons not members of the Association is three dollars a year. Single numbers are sold for seventy-five cents each.

Subscriptions, correspondence with reference to contributions to the REVIEW, and books for review, should be sent to W. W. Willoughby, Managing Editor, Johns Hopkins University, Baltimore, Md., U. S. A.

Copyright, 1911, by The American Political Science Association.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The American Political Science Review

BOARD OF EDITORS

Henry Jones Ford, Princeton University
W. F. Dodd, University of Illinois
W. B. Munro, Harvard University
John H. Latané, Washington and Lee University
C. E. Merriam, University of Chicago
Paul S. Reinsch, University of Wisconsin
Benjamin F. Shambaugh, University of Iowa
Eugene Wambaugh, Harvard University Law School

W. W. Willoughby, Managing Editor, Johns Hopkins University, Baltimore, Md.

Vol. V May, 1911 No. 2

CONTENTS

Aerial Jurisdiction.....George Grafton Wilson..... 171
The Washington Meeting of the American Society for the Judicial Settlement of International Disputes.....Theodore Marburg..... 181
The Constitutionality of Old Age Pensions...Frank J. Goodnow..... 194
Political Institutions in Liberia.....George W. Ellis..... 213
Tendencies of the Labor Legislation of 1910..Irene Osgood Andrews..... 224
Notes on Current Legislation.....Horace E. Flack..... 235
Child Labor, Indiana; Corrupt Practices at Elections; Electorial Systems, British Royal Commission; Initiative and Referendum; Initiative and Referendum, Municipal Legislation; Labor Legislation Pending in Rhode Island; Recall; Spanish Labor Legislation Since 1899; Tenement Houses; Congressional Legislation; Constitution, Indiana.
Current Municipal Affairs.....William Bennett Munro..... 263
News and Notes:
Personal and Biographical.....W. F. Dodd..... 275
Book Reviews 288
Recent Government Publications of Political Interest.....Carl Hookstadt..... 321
Index of Recent Literature, Books and Periodicals..... 328

(For list of Book Reviews, see second page of cover)

Published Quarterly by The American Political Science Association

DOUGLAS C. McMURTRIE
Concord, N. H., and New York

Application made for entry at the Post Office, Concord, N. H., as second-class matter, under the Act of July 16, 1894.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

REVIEW OF BOOKS

Quaife—The Diary of James K. Polk. By Jesse S. Reeves 288
Monypenny—The Life of Disraeli. Vol. I. By A. G. Porritt 291
Johnston—Britain Across the Seas. By Henry C. Morris 293
Temperley—Senates and Upper Chambers. By George H. Haynes 294
Silburn—The Governance of Empire. By Paul S. Reinsch 297
Chailley—Administrative Problems of India. By Paul S. Reinsch 298
Russell—The Roman Empire. By William C. Morey 300
Dodd—The Revision and Amendment of State Constitutions. By W. S. Myers 304
Elliott—Biographical Story of the Constitution. By St. George L. Sioussat 307
Martin—Treatise on the Law of Labor Unions. By G. E. B 308
Brooks—Corruption in American Politics and Life. By George H. Haynes..... 309
Gettell—Introduction to Political Science. By Edgar Dawson 311
Angell—The Great Illusion. By Amos S. Hershey 312
Holcombe—Public Ownership of Telephones on the Continent of Europe. By D. F. Wilcox 316
Freund—Cases on Administrative Law 318

THE AMERICAN POLITICAL SCIENCE REVIEW is supplied to all members of the American Political Science Association.

The annual dues are three dollars a year. Single numbers of the REVIEW are sold for seventy-five cents each.

Correspondence with reference to contributions to the REVIEW, and books for review, should be sent to W. W. Willoughby, Managing Editor, Johns Hopkins University, Baltimore, Md., U. S. A.

Copyright, 1911, by The American Political Science Association.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The American Political Science Review

BOARD OF EDITORS

Henry Jones Ford, Princeton University
W. F. Dodd, University of Illinois
W. B. Munro, Harvard University
John H. Latané, Washington and Lee University
C. E. Merriam, University of Chicago
Paul S. Reinsch, University of Wisconsin
Benjamin F. Shambaugh, University of Iowa
Eugene Wambaugh, Harvard University Law School

W. W. Willoughby, Managing Editor, Johns Hopkins University, Baltimore, Md.

Vol. V August, 1911 No. 3

CONTENTS

The Canadian Navy and Imperial Unity.....Theodore H. Boggs..... 339
French Colonial Expansion in West Africa, The Soudan, and the Sahara.....N. Dwight Harris..... 353
Central Utilities Commissions and Home Rule..B. H. Meyer..... 374
The Working of the State Wide Referendum in Illinois.....C. O. Gardner..... 394
Constitutional Developments in Foreign Countries During 1910.....W. F. Dodd..... 418
Notes on Current Legislation.....Horace E. Flack..... 429

Board of Public Affairs; Cold Storage; Commission Government Law of New Jersey; Employees' Retirement Act: Massachusetts; Employment of Women: Massachusetts; Initiative and Referendum: California; Initiative and Referendum: Washington; Legislative Reference: Nebraska; Municipal Charter Revision: Newark; Municipal Charter Revision: Pittsburgh and Scranton; Playgrounds; Recall: Washington; Weights and Measures.

News and Notes:
Personal and Bibliographical.....W. F. Dodd..... 444
Doctoral Dissertations in Political Science..... 456
Book Reviews..... 466
Recent Government Publications of Political Interest.....Carl Hookstadt..... 492
Index of Recent Literature, Books and Periodicals..... 499

(For list of Book Reviews, see second page of cover)

Published Quarterly by The American Political Science Association

Entered at the Post Office, Concord, N. H., as second-class matter, under the Act of July 16, 1894.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

REVIEW OF BOOKS

Johnson and Huebner—Railroad Traffic and Rates. By Logan G. McPherson 466
Webb—The State and the Doctor. By A. G. Porritt 468
Ostrogorski—Democracy and the Party System in the United States. By Jesse Macy 472
Weale—The Conflict of Color. By P. S. Reinsch 474
Bryce—The American Commonwealth. By H. J. Ford 476

BRIEFER REVIEWS.

Treat—The National Land System 478
Quinton—Crime and Criminals in 1876–1910 479
Frankel and Dawson—Workingmen's Insurance in Europe 480
Turnor—Land Problems and National Welfare 480
Clement—The Law of the Canadian Constitution 481
Nijhoff—Air Sovereignty 481
Ralston—International Arbitral Law and Procedure 482
Guyot—Socialistic Fallacies 482
Ramsdell—Reconstruction in Texas 483
Munford—Virginia's Attitude Towards Slavery and Secession . 484
Eliot—Conflict Between Individualism and Collectivism in a Democracy 485
Boyce—Health Progress and Administration in the West Indies. 486
Morris—Railroad Administration 487
Beard—Digest of Short Ballot Charters 488
Jahrbuch des Oeffentlichen Rechts 488
Rossignol and Stewart—State Socialism in New Zealand 489
Pohl—Deutsche Prisengerichtsbarkeit 489
The American Year Book, 1910 490

THE AMERICAN POLITICAL SCIENCE REVIEW is supplied to all members of the American Political Science Association.

The annual dues are three dollars a year. Single numbers of the REVIEW are sold for seventy-five cents each.

Correspondence with reference to contributions to the REVIEW, and books for review, should be sent to W. W. Willoughby, Managing Editor, Johns Hopkins University, Baltimore, Md., U. S. A.

Copyright, 1911, by The American Political Science Association.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The American Political Science Review

BOARD OF EDITORS

Henry Jones Ford, Princeton University
W. F. Dodd, University of Illinois
W. B. Munro, Harvard University
John H. Latané, Washington and Lee University
C. E. Merriam, University of Chicago
Paul S. Reinsch, University of Wisconsin
Benjamin F. Shambaugh, University of Iowa
Eugene Wambaugh, Harvard University Law School

W. W. Willoughby, Managing Editor, Johns Hopkins University, Baltimore, Md.

Vol. V November, 1911 No. 4

CONTENTS

Impressions of British Party Politics.....Alfred L. P. Dennis..... 509

Direct Primaries and the Second Ballot.....A. N. Holcombe..... 535

Spanish Interests in Morocco.....George F. Andrews..... 553

New Forms of the Initiative and Referendum S. Gale Lowrie..... 566

Notes on Current Legislation.....Horace E. Flack..... 573

Cold Storage; Commission Government: Progress in California; Corrupt Practice Laws; Corrupt Practice Laws: Wisconsin; Election Laws: The New Geran Law in New Jersey; Employers' Liability and Workmen's Compensation; Initiative and Referendum; Municipal Ownership; Public Utilities; Recall; Second Choice Nomination Laws.

Current Municipal Affairs.....William Bennett Munro..... 605

News and Notes:

Personal and Bibliographical.....W. F. Dodd..... 618

The President's Commission on Economy and Efficiency..... 626

Book Reviews..... 629

Recent Government Publications of Political Interest..... 657

Index to Recent Literature, Books and Periodicals..... 661

(For list of Book Reviews, see second page of cover)

Published Quarterly by The American Political Science Association

Entered at the Post Office, Concord, N. H., as second-class matter, under the Act of July 16, 1894.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

REVIEW OF BOOKS

Ashburner—Rhodian Sea Laws. G. W. Scott 629
Evans—Sir Randal Cremer, His Life and Work. W. I. Hull ... 632
Spaight—War Rights on Land. F. E. Horack 637
Wehberg—Capture in War on Land and Sea. C. G. Fenwick .. 638
Belloc and Chesterton—The Party System. Edward Porritt ... 640
Marriott—Second Chambers. J. W. Bryan 642
Gray—The Nature and Sources of the Law. Arnold B. Hall .. 645
Karkunov—General Theory of Law. Arnold B. Hall 647
Stimson—Popular Law Making. John B. Sanborn 648
Beaman and McNamara—Index Analysis of the Federal Statutes. E. F. 650
Stephenson—Race Distinctions in American Law. J. M. Mathews 651
Fuld—Police Administration. A. R. Hatton 653
Brown—The Commercial Power of Congress. Bernard C. Steiner 654
Quiros—Modern Theories of Criminality. J. W. Garner 656

THE AMERICAN POLITICAL SCIENCE REVIEW is supplied to all members of the American Political Science Association.

The annual dues are three dollars a year. Single numbers of the REVIEW are sold for seventy-five cents each.

Correspondence with reference to contributions to the REVIEW, and books for review, should be sent to W. W. Willoughby, Managing Editor, Johns Hopkins University, Baltimore, Md., U. S. A.

Copyright, 1911, by The American Political Science Association.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED